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Def Defeated
IP Indefinitely Postponed
PO Passed Over
Ref Referred for further study

ANNUAL TOWN ELECTION
MARCH 28, 1994

The Annual Town Election was held at the General John Nixon School. The polls were open from 7 a.m. to 8 p.m. There were 2,279 votes cast including 79 absentee ballots. The number of ballots cast represents twenty-three percent of the Town's 9,657 registered voters. Twenty-three voting machines were used. The results were announced by Jean MacKenzie the Town Clerk at 11 p.m.

SELECTMEN: FOR THREE YEARS

MaryAnn K. Clark	1,326
Michael W. Conway*	131
John P. McMahon	289
Fred Lee Swanson	217
Scattering	--
Blanks	316

HIGHWAY SURVEYOR: FOR THREE YEARS

Robert A. Noyes	1,551
Spencer R. Goldstein	514
Scattering	--
Blanks	214

BOARD OF ASSESSORS: FOR THREE YEARS

David E. Tucker	1,567
Scattering	--
Blanks	712

MODERATOR: FOR ONE YEAR

Thomas G. Dignan, Jr.	1,739
Scattering	--
Blanks	540

CONSTABLE: FOR THREE YEARS

Edward W. Connors, Jr.	1,548
Scattering	1
Blanks	730

**PARK & REC. COMM.: FOR THREE YEARS
(Vote for two)**

Donald Soule	1,421
Thomas J. Biggins, III	1,040
Joseph J. Polizzotti	717
Scattering	2
Blanks	1,378

GOODNOW LIBRARY TRUSTEES: FOR THREE YEARS

(Vote for two)

Ivan Lubash	1,519
David L. Levington	1,466
Scattering	--
Blanks	1,573

**PLANNING BOARD: FOR THREE YEARS
(Vote for two)**

Richard A. Brooks	1,466
Lael M. Meixsell	951
William J. Cossart	1,251
Scattering	--
Blanks	890

BOARD OF HEALTH: FOR THREE YEARS

Michelle Stakutis	1,544
Scattering	--
Blanks	735

SUDBURY HOUSING AUTH.: FOR FIVE YEARS

Bettie H. Komegay	1,559
Scattering	1
Blanks	719

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SUDBURY SCHOOL COMMITTEE: FOR THREE YEARS

(Vote for two)

Robert J. Weiskopf	844
Nita D'Innocenzo	688
Karen V. Krone	1,441
Gregory S. Lauer	1,258
Scattering	---
Blanks	327

LINCOLN-SUDBURY REGIONAL DISTRICT SCHOOL COMMITTEE: FOR THREE YEARS

(Vote for two)

William C. Hewins	1,601
Sarah Cannon Holden	1,543
Scattering	--
Blanks	1,414

(Note: members of Lincoln-Sudbury Regional District School Committee were elected on an at large basis pursuant to the vote of the Special Town Meeting of October 26, 1970, under Article 1, and subsequent passage by the General Court of Chapter 20 of the Acts of 1971. The votes recorded above for this office are those cast in Sudbury only.)

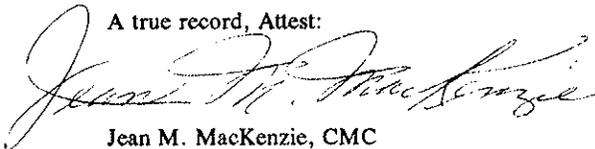
NON-BINDING PUBLIC OPINION
ADVISORY QUESTION 1

Should the Town amend the Town's Zoning Bylaw to provide more residential diversity, since 91% of Sudbury is zoned 'Single Family Residential' and the remainder is zoned 'Commercial' or 'Open Space'?

YES	420
NO	499
BLANKS	1,360

*CANDIDATE WITHDREW AFTER WITHDRAWAL DEADLINE AND BEFORE THE ELECTION.

A true record, Attest:



Jean M. MacKenzie, CMC
Town Clerk

TOWN OF SUDBURY
ANNUAL TOWN MEETING

PROCEEDINGS

APRIL 4, 1994

Pursuant to a Warrant issued by the Board of Selectman, March 11, 1994, and a quorum being present, the meeting was called to order at 7:40 pm by Thomas Dignan, the Moderator, at the Lincoln-Sudbury Regional High School Auditorium. Rabbi Deanna L. Douglas of Congregation B'nai Torah delivered the invocation and Greg Stolle, an outstanding senior at Lincoln-Sudbury Regional High School led the hall in the Pledge of Allegiance to the Flag.

It was announced that certified Free Cash for the Town Meeting was \$443,577. The Call of the Annual Town Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing having been examined were all found to be in order.

Upon a motion by Judith Cope, Chairman of the Board of Selectmen, which was seconded, it was

VOTED: TO DISPENSE WITH THE READING OF THE CALL OF THE MEETING AND THE OFFICER'S RETURN OF SERVICE AND TO WAIVE THE READING OF THE SEPARATE ARTICLES OF THE WARRANT.

Various town officials, committee and board members present were introduced to the voters as were the visiting students of the Foreign Student Exchange Program, which was then followed by the reading of the "In Memoria" Resolution:

IN MEMORIA

*WHEREAS: THE TOWN OF SUDBURY HAS ENJOYED THE BLESSINGS OF THOSE IN THE COMMUNITY WHO GAVE OF THEIR TIME AND TALENT TO ENRICH THE QUALITY OF LIFE IN THE TOWN;
AND*

WHEREAS: CONTRIBUTIONS AND CIVIC DUTY AND PUBLIC SERVICE HAVE BEEN RENDERED BY SEVERAL OF ITS CITIZENS AND EMPLOYEES WHO HAVE PASSED FROM AMONG US;

NOW, THEREFORE, BE IT

RESOLVED: THAT THE TOWN EXTEND ITS HEARTFELT SYMPATHY TO THE FAMILIES OF THESE PERSONS AND TAKE COGNIZANCE OF THEIR SERVICE AND DEDICATION:

WALTER ROBERT BECKETT

*-(1930-1993) MOVED TO SUDBURY IN 1959
PERMANENT BUILDING COMMITTEE: 1968-1975*

MARGARET L. BENZIE

*-(1923-1993) MOVED TO SUDBURY IN 1956
EXECUTIVE SECRETARY AT CURTIS SCHOOL: 1967-1986*

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ANNE W. DONALD -(1923-1993) MOVED TO SUDBURY IN 1951
FINANCE COMMITTEE: 1976-1979
GOODNOW LIBRARY TRUSTEES: 1979-1980
BOARD OF SELECTMEN: 1980-1988
FENCE VIEWER: 1980-1988
REPRESENTATIVE TO SUDBURY VISITING NURSE
ASSOCIATION: 1980-1988
MIDDLESEX COUNTY ADVISORY BOARD
REPRESENTATIVE: 1981-1987
DESIGNEE TO THE METROWEST GROWTH MANAGEMENT
COMMITTEE: 1984-1988
SUDBURY 350TH ANNIVERSARY CELEBRATION COMMITTEE:
1986-1989
COUNCIL ON AGING: 1988-1993

SHIRLEY M. EY -(1948-1993) MOVED TO SUDBURY IN 1960
SECRETARY IN HIGHWAY DEPARTMENT: 1990-1993

GERTRUDE M. FARRELL -(1913-1993) LIFELONG SUDBURY RESIDENT
LIBRARIAN AT GOODNOW LIBRARY: 1961-1978

VIRGINIA (HAPGOOD) GALLAGHER -(1907-1993) MOVED TO SUDBURY IN 1957
SUDBURY SCHOOL COMMITTEE: 1964-1966
TOWN NEEDS COMMITTEE: 1966-1967

ROBERT W. GALLIGAN -(1921-1993) MOVED TO SUDBURY IN 1954
GOODNOW LIBRARY TRUSTEES: 1970-1973

LAMONTE GRISWOLD -(1898-1994) MOVED TO SUDBURY IN 1945
INSURANCE COMMITTEE: 1951-1952

JAMES R. GUILD -(1932-1994) MOVED TO SUDBURY IN 1976
ELECTION OFFICER: 1991-1992

RALPH EDMUND HAWES -(1907-1993) LIFELONG SUDBURY RESIDENT
BOARD OF ASSESSORS: 1943-1957

FRANK PIRRELLO -(1909-1993) MOVED TO SUDBURY IN 1940
TEACHER IN SUDBURY HIGH SCHOOL: 1944-1945
PRINCIPAL IN SUDBURY HIGH SCHOOL: 1945-1946
ELEMENTARY TEACHER IN SUDBURY SCHOOLS: 1957-1974

HAMMOND G. REED -(1926-1993) MOVED TO SUDBURY IN 1953
FINANCE COMMITTEE: 1966-1969

JAMES G. ROSE -(1914-1994)
HIGHWAY DEPARTMENT: 1970-1984

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ALBERT B. ST. GERMAIN

*-(1909-1993) MOVED TO SUDBURY IN 1926
SPECIAL POLICE OFFICER: 1946-1952, 1963-1975
RESUSCITATOR COMMITTEE: 1951, 1952
COMMITTEE TO STUDY OFFICE SPACE AND FIRE DEPARTMENT
SPACE: 1953-1954
AUXILIARY POLICE: 1953-1955
BUILDING INSPECTOR: 1953-1967
WIRING INSPECTOR: 1953-1967
FIRE CHIEF: 1953-1974
FOREST WARDEN: 1953-1974
POLICE OFFICER: 1955-1963
PLANNING BOARD: 1958-1963, 1975-1978
SUBSTANDARD DWELLING STUDY COMMITTEE: 1962-1963
CIVIL DEFENSE DIRECTOR: 1968-1974
AMBULANCE TASK FORCE: 1973-1975
REVOLUTIONARY WAR BICENTENNIAL COMMITTEE:
1974-1975
OPERATIONAL REVIEW COMMITTEE FOR
WAYLAND/SUDBURY SEPTAGE DISPOSAL FACILITY: 1976-1993*

HILDA A. WHITNEY

*-(1909-1993) LIFELONG SUDBURY RESIDENT
TERCENTENARY COMMITTEE: 1938-1940
REGIONAL SCHOOL STUDY COMMITTEE: 1953-1954
TREE SURVEY COMMITTEE: 1953-1954*

AND BE IT FURTHER

*RESOLVED: THAT THE TOWN OF SUDBURY, IN TOWN MEETING ASSEMBLED, RECORDS FOR
POSTERITY IN THE MINUTES OF THIS MEETING ITS RECOGNITION AND APPRECIATION
FOR THEIR SPECIAL GIFTS AND SERVICES TO THE TOWN.*

The Resolution was seconded and **UNANIMOUSLY VOTED.**

Retiring Chairman of the Board, J. Cope, presented the State of the Town address, noting this year, under Article 2, one of the more important articles, would be discussed a proposal to change the form of government in an effort to improve operations, make them more efficient, make government more accountable, and provide better service to the public. She expressed concern over the size of the Warrant and the number of monied articles. In preparing the Warrant, the Board came to the conclusion that there was need for stronger capital planning and coordination of efforts by the Town, the local schools and the high school. It was anticipated this cooperative effort would start sometime in the fall. Chairman Cope expressed her disappointment on the results of the public opinion advisory question on housing as to whether there existed a need for diversified housing with accompanying zoning changes. The vote was 420 in support and 499 in the negative. Concern was expressed for those residents over 55 who no longer can manage their residences yet wish to remain in Sudbury. Chairman Cope touched upon the town's infrastructure and the fact funds had been appropriated to begin its improvement. The Town Hall and the Loring Parsonage will be repaired and painted this spring, while the Library and Town Hall will be made handicapped accessible.

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Craig Blake, Chairman of the Resource Recovery Committee was then introduced by Ms. Cope, who noted the Selectmen were looking for solutions on how to handle the disposal of the town's solid waste. Two solutions were offered: 1) Have all town trash picked up curbside or 2) continue a centralized residential drop-off station at the landfill site. Weekly curbside pickup would be included in everyone's tax bill. The residential drop-off would have the waste placed in dumpsters at the landfill and transported to an out-of-town disposal facility--an incinerator/landfill. Residents currently bringing their trash to the landfill would be allowed to use this alternative, while those presently having curbside or garage pickup would continue to do so.

M. Fitzgerald, Chairman of the Finance Committee, then presented the 1994 Finance Committee Report which was substantially the same as that printed in the Warrant.

1994 FINANCE COMMITTEE REPORT

OVERVIEW

After four difficult years (1990-1993) of budget cutting, FY94 saw modest restoration of town and school budgets. The Finance Committee's recommendation for the FY95 budget continues that restoration process with significant additional funding for the Sudbury Public Schools to cope with expanding enrollments and to enable the opening of Nixon School, and important but more modest increases for a number of Town departments as well as Lincoln-Sudbury Regional High School. In addition, the Finance Committee is contemplating a recommendation for a significant bond issue, perhaps in the range of \$5 to \$8 million to finance a number of infrastructure improvements to the Town's physical facilities and a much needed expansion of the Nixon School. Unfortunately, all the details of this issue were not fully worked out and a decision could not be made before this Warrant was printed.

FINANCIAL CONDITION

Sudbury's financial situation on an operating basis has improved and stabilized over the past year as the local economic recovery has continued and several management actions have taken hold. This reversal in fortune can be attributed to several developments. First, the economic recovery and lower interest rates have accelerated building activity and have added significantly to Town revenues. Second, changes to employee health plans are expected to stabilize these costs after several years of unmanageable increases. Third, state aid to Sudbury is no longer shrinking and modest increases are expected in FY95. Fortunately inflation remains low. While the U.S. CPI increased by 2.7 percent in 1993, the Boston area CPI increased by only 1.1% which made our expenditure dollars go further.

Sudbury's overall financial position is currently sound. Quarterly tax billing, cash management efforts, and tax collection activity have eliminated the need for short term borrowing. Tax delinquencies of all types however are running at an historically high 8 to 9 percent at fiscal year end, well above other area towns, and are of some concern but should subside as the economy strengthens and the miscues of refinancing are eliminated. Currently the Town's credit rating is "Aa" or simply "Double A." The desirable "Triple A" rating is a possibility and the Treasurer is currently working with the rating agencies to improve our position. The FinCom is fully supporting this effort with qualitative recommendations for sound financial management. Specifically, Tax Title efforts are being aggressively funded, Free Cash has not been recertified at mid-year, capital budget planning is being improved, and the move to a Town Manager form of government has been unanimously supported by the FinCom.

REVENUE OUTLOOK

The starting point for planning the FY95 budget process was to consider the revenue available to the Town. The tax levy continues to be the primary source of revenue representing 79 percent of total revenue. Overall, the tax levy will increase by about 4.0 percent as a result of this budget. The three components of this change for FY95 are the 2.5% increase yielding \$578,000, new construction worth \$493,000 or up 2.0%, and Prop 2-1/2 exemptions (basically debt service) down 0.4% or \$85,000.

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REVENUE SUMMARY (000's)

	<u>FY1994</u>	<u>FY1995</u>	<u>Difference</u>	<u>% Change</u>
Property Tax Revenue	\$24,430	\$25,418	\$988	4.0%
Net State Aid	2,462	2,759	297	12.1%
Local Receipts	2,170	2,181	11	0.5%

New construction remains at a high level, up from \$171,000 in FY92 and \$348,000 in FY93 but down from \$524,000 in FY94. These revenues are welcome but it is important to recognize the hidden costs of growth which are showing up in virtually all budgets, especially the K-8 school system.

State aid, or the Cherry Sheet as it is known, is up significantly in FY95. The major component of this increase is the state reimbursement for the Nixon/Noyes renovations of several years ago. The initial payment of \$200,222 will be received in August 1994 and will be a direct reduction to the exempted debt portion of the tax levy. As noted above, debt exemptions are down \$85,000 which otherwise would have increased by \$117,000 as a result of increases associated with the new bonding for the boiler replacement at LSRHS.

Local receipts which include motor vehicle excise, department fee revenues, penalties and interest are difficult to predict accurately but are essentially level funded as recommended by the Board of Assessors and the Town Accountant.

Other sources of funds include Free Cash, Abatement Surplus, and the Stabilization Fund. The budget recommendation includes Free Cash utilization of \$443,000 and Abatement Surplus of \$400,000 as determined by the Board of Assessors. The FinCom is also recommending use of \$72,000 from the Stabilization Fund which will require a two-thirds vote of Town Meeting.

BUDGET PROCESS

The improving revenue picture led the FinCom to believe that budgets would not have to be cut and that building back some budgets would be possible in FY95. The FinCom's highest priority was to ensure the opening of the Nixon School because of both the critical need for space and to ensure continued state reimbursement (\$200,222 for twenty years) for a portion of the renovation expense. To not open Nixon would jeopardize some or all of this reimbursement stream and seriously impair the K-8 school system for years to come. It is an expensive undertaking as outlined in the detailed Warrant report, but it simply must be done. As a result, the reserves mentioned above needed to be spent rather than saved or built.

Secondary priorities were to improve the Town's infrastructure and to selectively build back department service levels where the available incremental spending would provide the most to benefit the Town.

The budget process as defined by the Finance Committee directed all departments to a starting point of "level staff/level expense" meaning that all departments are generally expected to be at least as well off as the current year. Still, all line items were closely scrutinized and reduced where possible. Where incremental spending was requested, we asked for specific benefits to be derived by the Town. Budget increases were recommended based on the priorities determined by the individual department heads and weighed in their overall importance by the Finance Committee. In the case of all departments, the recommended budget includes increases to fund at least one, and in some cases more, of each department's highest priority additions.

In all cases, departments did not receive their full requested budget increases. Throughout the process, and with the help of each department head, all requests were thoroughly and thoughtfully reduced to the items of most importance. In general, most of the recommended increases were considered either quite important to the department function or are productivity enhancements. The resulting budget was then the FinCom's recommendation as the best use of available funds.

Throughout the past year, the FinCom has worked with the Negotiating Advisory Committee (NAC) whose charter is to provide advice regarding union contract discussions. The position of both committees was to make no provision for salary increases

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in the recommended budget unless settlements were reached before Town Meeting. In that way, all of the various committees and Town Meeting would have the opportunity to be informed of the budget impact of proposed settlements before approving funding for any proposed new contract. Since no settlements have been reached, a Special Town Meeting will be needed to approve funding for any new contract.

As a result, the recommended budget does include currently scheduled step increases and longevity items but no union salary increase items. In the case of Lincoln-Sudbury Regional, any salary adjustments must be covered by the recommended assessment, a situation necessitated by the complications of the assessment process for the two towns. In addition, for FY95 the Personnel Board, in Article 3 of this Warrant, has recommended a one percent increase for non-union employees and elected officials totalling approximately \$17,900. The FinCom concurs with that position and has included this increase in the appropriate line items for Town Meeting approval.

BUDGET REVIEW

The FY95 budget recommendation, including articles, forecasts total spending to rise by approximately \$1.4 million or 4.6 percent over FY94. The operating budget portion of the budget rises by \$1.6 million or 5.5 percent as outlined in the following table.

SUMMARY OF RECOMMENDED APPROPRIATIONS (000's)

	Appropriated FY94	Recommended FY95	Additional Dollars	% Increase
Sudbury Public Schools (Net)	\$10,021	\$11,079	\$1,058	10.6%
LSRHS Assessment	6,943	7,342	399	5.8%
Minuteman Regional	300	313	13	4.3%
<hr/>				
100 Total Schools	\$17,264	\$18,734	\$1,470	8.5%
200 Debt Service	1,156	1,115	(\$41)	-3.6%
300 Protection	3,384	3,317	(\$67)	-2.0%
400 Highway/Landfill	1,675	1,698	24	1.4%
500 General Government	851	897	47	5.5%
560 Finance	526	556	30	5.7%
600 Library	405	435	30	7.3%
700 Recreation	464	472	9	1.9%
800 Health	202	216	15	7.2%
900 Unclassified	3,883	3,498	109	3.2%
<hr/>				
TOTAL OPERATING BUDGET	\$29,327	\$30,951	\$1,624	5.5%

APRIL 4, 1994

Each of the departmental budgets are described in more detail in a later section of the Warrant. It is clear that the schools, primarily due to the opening of Nixon School, are receiving the bulk of the increased spending in dollar terms, but other budgets are also expanding in similar percentage terms. Despite the reduction in Protection appropriations, the Town should actually receive greater service than in the current year. Personnel changes to lower steps and the new ambulance purchased last year account for \$125,000 in decreases versus FY94, meaning other increases in these departments total \$58,000.

Overall, the Finance Committee believes that its priorities and objectives, which are hopefully identical to those of the Town's citizens, have been met with the budget as recommended. However, one point of failure needs to be noted - nothing has been done to improve the Town's infrastructure except to add a custodian/maintenance person in the Building Department.

As noted earlier, Free Cash of \$443,000 is being utilized in the budget recommendation which leaves a balance of \$577 available for additional spending at the Annual Town Meeting. Free Cash was not recertified in mid-year to expand the funds available for this budget as it had been in earlier, more difficult periods. This is a more prudent approach. Free Cash will again be certified on July 1, 1994 and will be available for future Town Meetings.

THE EDUCATION REFORM ACT

Aside from the educational aspects of the Massachusetts Education Reform Act of 1993, the statute contains a number of school financing requirements. The law is quite complex and many problems still need to be worked out. Briefly, all three school systems, the Sudbury Public Schools, Lincoln-Sudbury Regional, and Minuteman Vocational Technical, are approximately in the same position with respect to financing requirements. Each system is above the state defined minimum "Foundation Budget" but below the budget level determined by the Town's perceived ability to pay known as the "Standard of Effort." This position requires that (a) all Education Reform aid coming to the Town be appropriated to the schools and (b) that the Town must increase its contribution to the schools each year by at least the "Municipal Growth Factor" or the rate of growth in Town revenues. In FY95, total additional state aid to Sudbury (SPS or LSRHS) under the Education Reform Act is expected to be \$457,000 or \$66,000 more than in FY94.

In the fall of 1993, shortly after the Act was passed by the legislature, the State Department of Education and the Sudbury Public School Committee believed that the Town's minimum contribution was less than the prescribed amount and that we may be in violation of the law. After substantial review of this complex legislation, the School Committee and the Finance Committee could not make a precise determination as to the proper level of funding. As a compromise, the FinCom transferred \$30,381 to the school budget, an amount which satisfied all state and local officials.

Based on the Town's desire for strong school systems, this law should have minimal effect on the allocation of resources in Sudbury, but could create some minor problems in lean years. The recommended FY95 budget is in full compliance with the Education Reform Act.

BOND ISSUE

As noted earlier, the FY95 budget recommendation and other recent budgets provide very little funding for improving the Town's infrastructure or physical assets. Important, large capital projects which are listed as Articles in this Warrant, just cannot be funded as part of the budget under Proposition 2-1/2 without creating serious problems in virtually all of the school and town departments. Some of these projects will have to be funded at some point in time unless we are to abandon these assets altogether. Others portray either a very strong need or the possibility of cost savings/avoidance. These are all long term assets from which the Town will benefit for many years and are the types of assets that are generally funded by long term borrowing.

Currently Sudbury's net debt service (after state reimbursement) is a relatively low 3.0 percent of the operating budget and declining modestly as earlier debt is paid down. The economy is improving. Interest rates are lower than at any time in recent memory and the Town's credit rating is good and even improving. Generally, the Town would borrow to fund these types of projects over 10 years by asking both the Town Meeting and the voters at large to approve a debt exemption over Proposition 2-1/2, which would raise the money on the tax levy only for the period for which the debt is to be paid.

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Although no formal position has been taken by the Finance Committee on either a bond issue or the specific projects to be included, there is a strong sense that now is a good time to move in this direction and to present the issue to Town Meeting if the details can be properly worked out. Rather than allow these projects to stand alone only to be pushed in competition with each other by narrow interest groups, the Finance Committee believes strongly that, since doing some set of these projects will bring many benefits to the community as a whole, a "bundled" approach, packaging all the items into a single large bond issue, will allow the "Sudbury Community" to take a community approach to the question. The FinCom apologizes for its inability to conclude its decision making in time to properly report in the Warrant but will report fully to the Town as soon as possible.

SUMMARY

The Finance Committee has attempted to be fair and consistent in all deliberations and recommendations. We believe the budget recommendation makes the best use of available funds and is in the overall best interest of the Town, but it is only a recommendation. The Town Meeting is the final decision-making authority.

We must acknowledge the spirit of cooperation and the remarkably professional attitude of the departments and various committees we worked with over the past couple of months. Sudbury is fortunate to have such a dedicated and capable workforce of both professionals and volunteers. We must especially thank Terri Ackerman, the Town's Budget Officer, for her many valuable contributions including getting the numbers right and making sure everything was completed within the schedule.

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TOWN OF SUDBURY
FY95 BUDGET

Old Line #	New Line #	Expend FY 92*	Expend. FY 93*	Approp. FY 94	Dept Request FY 95	Fin Com Rec FY95
		8,971,348	8,812,173	10,280,435	11,795,020	11,316,820
		100,492	237,328	259,594	238,233	238,233
		8,870,856	8,574,845	10,020,841	11,556,787	11,078,587
		6,367,491	6,539,191	6,942,562	7,482,884	7,341,877
		357,370	381,446	300,448	313,488	313,488
		15,595,717	15,495,482	17,263,851	19,353,159	18,733,952
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200: Debt Service		475,480	1,046,008	1,156,017	1,114,603	1,114,603
300: Protection		3,114,439	3,142,953	3,383,816	3,515,534	3,317,104
400: Highway/Landfill		1,515,867	1,610,924	1,674,756	1,858,707	1,698,396
500: General Govt.		804,618	763,173	850,773	941,939	897,403
560: Finance		435,673	437,657	526,417	563,753	556,322
600: Library		369,454	365,129	405,016	453,520	434,628
700: Recreation		469,911	434,394	463,524	500,259	472,271
800: Health		185,503	189,152	201,547	218,549	216,155
900: Veterans		13,598	20,635	17,651	43,167	11,823
950: Unclassified/Transfer Acct.		2,840,318	3,065,033	3,383,413	3,538,348	3,498,258
TOTAL TOWN (inc. Unclassif.)		10,224,861	11,075,057	12,062,930	12,748,379	12,216,963
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TOTAL OPERATING BUDGET		25,820,578	26,570,539	29,326,781	32,101,538	30,950,915
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STM Articles:		1,050,000	0	0	0	0
ATM Articles:		1,437,780	2,492,637	566,893	9,738,713	6,813,213
Borrowing		2,050,000	2,134,424	0	0	6,488,000
TOTAL ARTICLES		437,780	358,213	566,893	9,738,713	325,213
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TOTAL APPROPRIATIONS		26,258,358	26,928,752	29,893,674	41,840,251	31,276,128
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Cherry Sheet Chgs. & Underest.		347,160	360,050	370,222	370,222	370,222
Cherry Sheet Offsets		217,547	217,587	264,744	264,744	264,744
Recap, Snow & Ice & Oth. chgs.		70,727	47,015	166,305	164,000	152,000
Abatements & Exemptions		394,184	350,979	298,387	350,000	350,000
TOTAL CHARGES		1,029,618	975,631	1,099,658	1,148,966	1,136,966
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TOTAL TO BE RAISED		27,287,976	27,904,383	30,993,332	42,989,217	32,413,094
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Cherry Sh. Receipts & Overest.		2,173,992	2,093,538	2,462,417	2,759,360	2,759,360
Local Receipts		2,069,951	2,122,577	2,170,161	2,065,161	2,180,660
Enterprise Fund Receipts		661,814	645,544	740,711	757,896	758,858
Free Cash applied		300,527	399,536	482,894	443,000	443,000
Dog Licenses (& St. Aid)		2,000	7,750	6,454	6,454	6,454
Wetlands Protection Fund		4,125	4,125	4,125	4,125	4,125
Abatement Surplus		175,000	0	179,383	400,000	400,000
Cemetery Fund		28,000	11,700	14,000	17,625	17,625
Stabilization Fund		180,000	0	0	72,000	72,000
Transfer from ATM 1987/14		30,000	0	0	0	0
Transf: ATM 82/14,STM86/6		7,317	0	0	0	0
Transfer from ATM 87/14				8,532	0	0
Transf from ATM 90/24				140,000	3,918	3,918
Transf from Conservation Wetlands Map Art.				10,000	0	
Transport. Bond Offset		0	319,713	319,713	319,713	319,713
Offset: Revolving Funds		0	0	0	1,400	0
Ambulance Fund		25,000	50,000	93,500	30,000	30,000
TOTAL RECEIPTS & REVENUE		5,657,726	5,654,483	6,621,890	6,890,652	6,995,713

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Old Line #	New Line #	Expend. FY 92*	Expend FY 93*	Approp. FY 94	Dept Request FY 95	FinCom Rec FY95
		21,630,250	22,249,900	24,371,442	36,098,565	25,417,381
		20,695,073	21,710,546	22,610,635	23,712,938	23,712,938
		170,948	348,612	523,939	493,000	493,000
		315,000	0	0		
		21,181,021	22,059,158	23,134,574	24,205,938	24,205,938
		682,036	1,185,553	1,296,109	1,212,321	1,212,321
		21,863,057	23,244,711	24,430,683	25,418,259	25,418,259
		232,807	994,811	59,241	0	878
				0	10,680,306	0

The operating budget portion of the budget was stated to rise by \$1.6 million or 5.5 percent as outlined in the following table.

SUMMARY OF RECOMMENDED APPROPRIATIONS (000'S)

	Appropriated FY94	Recommended FY95	Additional Dollars	% Increase
Sudbury Public Schools (Net)	\$10,021	\$11,079	\$1,058	10.6%
LSRHS Assessment	6,943	7,342	399	5.8%
Minuteman Regional	300	313	13	4.3%
100 Total Schools	\$17,264	\$18,734	\$1,470	8.5%
200 Debt Service	\$1,156	\$1,115	(\$41)	-3.6%
300 Protection	\$3,384	\$3,317	(\$67)	-2.0%
400 Highway/Landfill	\$1,675	\$1,698	\$24	1.4%
500 General Government	\$851	\$897	\$47	5.5%
560 Finance	\$526	\$556	\$30	5.7%
600 Library	\$405	\$435	\$30	7.3%
700 Recreation	\$464	\$472	\$9	1.9%
800 Health	\$202	\$216	\$15	7.2%
900 Unclassified	\$3,883	\$3,498	\$109	3.2%
TOTAL OPERATING BUDGET	\$29,327	\$30,951	\$1,624	5.5%

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{The full text of all discussions under each article is available at the Town Clerk's Office.}

ARTICLE 1. HEAR REPORTS

To see if the Town will vote to hear, consider and accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 1993 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Cope made the following motion under Article 1:

Move to accept the Reports of the Town Boards, Commissions, Officers and Committees as printed in the 1993 Town Report or as otherwise presented subject to the correction of errors, if any, are found.

The motion was seconded and **UNANIMOUSLY VOTED.**

The consent Calendar was the next business Taken up. The Moderator explained the procedure to be used and read the number of each article which had been placed on the Calendar. The following articles were held and removed from the Consent Calendar: 4, 22, and 26.

UNANIMOUSLY VOTED: TO TAKE ARTICLES 5, 8, 9, 10, 21, 25 AND 27 OUT OF ORDER AND CONSIDER THEM TOGETHER AT THIS TIME.

UNANIMOUSLY VOTED: IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS PRINTED IN THE WARRANT FOR THESE ARTICLES 5, 8, 9, 10, 21, 25 AND 27.

(SEE INDIVIDUAL ARTICLES FOR REPORTS AND MOTIONS VOTED.)

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ARTICLE 2. SPECIAL ACT: ESTABLISH BOARD OF SELECTMEN -
TOWN MANAGER FORM OF ADMINISTRATION

To see if the Town will vote to authorize and approve the filing of a petition with the General Court of the Commonwealth, under Section 8 of Article 2 of the Amendment to the Constitution of the Commonwealth, as amended by Article 89 of those Amendments, known as the "Home Rule Amendment", to enact a special law in the following form; or take any action relative thereto:

"An Act Establishing a Board of Selectmen-Town Manager
Form of Administration in the Town of Sudbury

PART I INCORPORATION AND AUTHORITY

Section 1. INCORPORATION CONTINUED

The inhabitants of the Town of Sudbury, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Sudbury".

Section 2. SHORT TITLE

This instrument may be cited and shall be known as the Sudbury Home Rule Charter Act.

Section 3. POWERS OF THE TOWN

The intent and purpose of this Act is to secure for the voters of the Town of Sudbury, through the adoption of this Act, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of the Commonwealth, as fully and as though each such power were specifically and individually enumerated herein. To the extent that the provisions of this act modify or repeal existing general laws and special laws or the body of law which constitutes the Town Charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

PART II LEGISLATIVE BRANCH

Section 4. TOWN MEETING

The legislative powers of the Town shall continue to be exercised by a Town Meeting open to all voters of the Town.

PART III CHIEF EXECUTIVE FUNCTION

Section 5. BOARD OF SELECTMEN

(a) Composition, Term of Office

There shall be a Board of Selectmen composed of three (3) members elected for terms of three (3) years each, so arranged that the term of one member shall expire each year.

(b) Powers and Duties

The executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all

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of the powers and duties given to boards of selectmen under the Constitution and laws of the Commonwealth and such additional powers and duties as may be authorized by this Act, by bylaw or by other Town Meeting vote. The Board of Selectmen shall cause the laws and orders for the government of the Town to be enforced and shall cause a record of its official acts to be maintained. The Board of Selectmen shall be the chief policy making board of the Town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all Town agencies serving under the board.

The Board of Selectmen shall be the licensing authority of the Town and shall have power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

To aid the Board of Selectmen in the conduct of its official business and duties, the Board of Selectmen shall appoint a Town Manager.

(c) Appointment Powers

The Board of Selectmen shall appoint a Town Manager, Town Counsel, and Board of Assessors. The Board of Selectmen shall also appoint all boards, committees, and commissions except as otherwise provided by this Act, by bylaw or other vote of the Town Meeting and such other regional authorities, districts, or committees in accordance with any applicable laws, or interlocal agreement.

PART IV ADMINISTRATIVE OFFICER/TOWN MANAGER

Section 6. APPOINTMENT, QUALIFICATIONS FOR THE TOWN MANAGER

The Board of Selectmen shall appoint a Town Manager who shall serve at the pleasure of the board. The Town Manager shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen. Pending the appointment of a Town Manager or the filling of any vacancy, the Board of Selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the Town Manager, the Board of Selectmen may designate a qualified person to serve as acting Town Manager and to perform the duties of the Town Manager during such temporary absence or disability. The Town Manager shall receive such compensation for services as the Board of Selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the Town.

Section 7. GENERAL RESPONSIBILITIES OF THE TOWN MANAGER

The Town Manager shall be the chief administrative officer of the Town, shall act as the agent for the Board of Selectmen and shall be responsible to the Board of Selectmen for the proper operation of town affairs for which the Town Manager is given responsibility under this Act. The Town Manager, under the policy direction of the Board of Selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility, authority or control by this Act, by bylaw, by Town Meeting vote, or by vote of the Board of Selectmen. The Town Manager shall have the power to delegate, authorize or direct any subordinate or employee of the Town to exercise any power, duty or responsibility which the office of Town Manager is authorized to exercise under this Act. All actions that are performed under such delegation shall be deemed to be the actions of the Town Manager.

Section 8. APPOINTMENT RESPONSIBILITIES

Except as otherwise provided by this Act, the Town Manager shall appoint, based upon merit and fitness alone, a Director of Finance, a Police Chief, a Fire Chief, a Town Clerk, a Treasurer-Collector, a Director of Assessing, a Director of Public Works

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and all department heads and officers, subordinates, and employees under the direct supervision of the Town Manager and officers, subordinates, employees for whom no other method of selection is provided in this Act except employees of the school department. The Town Manager may appoint ad hoc committees as is deemed necessary.

Section 9. PERSONNEL MANAGEMENT RESPONSIBILITIES

The personnel management powers, duties and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following:

- (a) to administer and to adopt personnel policies, practices, or rules and regulations, any compensation plan and any related matters for municipal employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the Town.
- (b) to fix compensation of all town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan and/or collective bargaining agreements.
- (c) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except the Library Director, Assistant Library Director and employees of the school department; such contracts shall be subject to the approval of the Board of Selectmen. The Town Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties.

Section 10. FINANCIAL MANAGEMENT RESPONSIBILITIES

The Town Manager, with the assistance of the Finance Director and the Treasurer-Collector, shall be responsible for all the financial management functions of the Town, unless otherwise provided by this Act. Such functions shall include, but are not intended to be limited to, the following:

- (a) to prepare and submit, after consultation with all town departments, an annual operating budget and capital improvement program for all town departments.
- (b) to insure that complete and full records of the financial and administrative activity of the Town are maintained and to render reports to the Board of Selectmen as may be required.
- (c) to approve warrants for payments of town funds prepared by the Town Accountant.
- (d) to be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and books and other media materials for libraries. The Town Manager shall approve the award of all contracts for all town departments with the exception of the school department, subject to the approval of the Board of Selectmen.
- (e) to keep the Board of Selectmen and Finance Committee fully informed as to the financial condition of the Town and to make recommendations to the Board of Selectmen and to other elected and appointed officials as the Town Manager deems necessary or expedient.
- (f) to prepare, annually, a financial forecast of town revenue, expenditures and the general financial condition of the Town.

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Section 11. ADMINISTRATIVE RESPONSIBILITIES

The administrative powers, duties and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following:

- (a) to attend all regular and special meetings of the Board of Selectmen, unless excused.
- (b) to attend all sessions of the Town Meeting and to answer all questions addressed to the Town Manager which are related to the warrant articles and to matters under the general supervision of the Town Manager
- (c) to administer either directly or through a person or persons supervised by the Town Manager, in accordance with this Act, provisions of general or special laws, bylaws and other votes of the Town Meeting.
- (d) to investigate or inquire into the affairs of any town department or office, under the supervision of the Town Manager.
- (e) to coordinate activities of all town departments, officers, boards or commissions of the Town.
- (f) to keep the Board of Selectmen fully informed as to the needs of the Town requiring action by them, or by the Town, as the Town Manager deems necessary or expedient.
- (g) to be responsible for the efficient use, maintenance and repair of all Town facilities, except those under the jurisdiction of the School Committee.
- (h) to develop and maintain a full and complete inventory of all Town owned real and personal property.
- (i) to perform such other duties as necessary, or as may be assigned by this Act, bylaw, Town Meeting vote, or vote of the Board of Selectmen.

PART V ADMINISTRATIVE ORGANIZATION

Section 12. GENERAL POWER TO REORGANIZATION

The Town Manager may reorganize, consolidate or abolish, create, merge, or divide, alter the term of office, the manner of selection of any town department, office, agency or function under the jurisdiction of the Town Manager.

The Board of Selectmen may reorganize, consolidate or abolish, create, merge, reassign responsibilities and duties or divide, alter the term of office, the number of members, the manner of selection, of any board, commission or committee of the Town under the jurisdiction of the Board of Selectmen.

Section 13. BOARD OF ASSESSORS

There shall be three (3) Assessors, appointed by the Board of Selectmen, for three (3) years, arranged so that the term of one (1) member expires each year. The Board of Assessors shall have administrative review responsibilities and decide questions relating to the abatement of taxes and appeals of decisions of the Director of Assessing. The administrative responsibility for the operation of the assessing function and the office of the assessors shall be the responsibility of the Director of Assessing appointed by the Town Manager.

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Section 14. DEPARTMENT OF PUBLIC WORKS

Until such time as another form of organization is provided for in accordance with Section 12 of this Act, there shall be established a Department of Public Works. The Department of Public Works shall be charged with responsibility for the management of public works operations of the Town including, but not limited to, the following: highways; solid waste and recycling activities; maintenance of cemeteries, parks, fields and grounds, open space, public memorials, and commons; engineering services; building maintenance of all town buildings, except those of the school department; maintenance of vehicles and equipment; and other operations, and functions as may be deemed necessary or desirable. The department of public works shall also perform such functions and responsibilities as required by bylaw, vote of the Town Meeting or upon direction of the Town Manager or Board of Selectmen. The functions of the Highway Surveyor and the tree Warden shall be incorporated into the department of public works. The Town Manager shall appoint a Director of Public Works. The director shall be especially fitted by education, training and experience to perform the duties of the office; the director shall have such other qualifications as the Town Manager may from time to time provide.

Until such time as another form of organization is provided for in accordance with Section 12 of this Act, personnel responsible for building inspection and zoning enforcement, electrical, gas and plumbing inspection shall be under the direction of the Director of Public Works.

PART VI. ELECTED TOWN OFFICERS

Section 15. ELECTED TOWN OFFICIALS

The registered voters of the Town of Sudbury shall, in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreement continue to elect the following:

Board of Selectmen
Moderator
School Committee
Library Trustees
Planning Board, and
Housing Authority

Other such regional authorities, districts, or committees as may be established by law or interlocal agreement.

Section 16. TRANSITION PROVISIONS

- (a) Upon the adoption of this Act the incumbent serving as Town Clerk, shall continue to serve in said office for the balance of the term for which the Town Clerk was elected. Thereafter, the Town Clerk shall be appointed in accordance with this Act.
- (b) Upon the adoption of this Act the incumbent serving as Highway Surveyor shall continue to serve in said office for the balance of the term for which elected. Upon the expiration of said term of office or if a vacancy shall sooner occur, the functions of the office shall be transferred to the Department of Public Works.
- (c) The incumbents serving as members of the Board of Health shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen.
- (d) The incumbents serving as members of the Board of Assessors shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen.

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- (e) The incumbents serving as members of the Parks and Recreation Commission shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen.
- (f) The incumbents serving as Constables shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen.
- (g) The Department of Public Works shall become operational thirty (30) days after the appointment of the Director of Public Works.
- (h) Within six (6) months of the effective date of this Act the Board of Selectmen shall appoint a Town Manager.

PART VII GENERAL PROVISIONS

Section 17. SEVERABILITY

The provisions of this Act are severable. If any of the provisions of this Act are held to be unconstitutional or invalid, the remaining provisions of this Act shall not be affected thereby.

Section 18. EXISTING LAW

All laws, bylaws, votes, rules and regulations, whether enacted by authority of the Town or any other authority, which are in force in the Town of Sudbury on the effective day of this Act, or any portion or portions thereof, not inconsistent with the provisions of this Act shall continue to be in full force and effect until otherwise provided by other laws, bylaws, votes, rules and regulations, respectively. Nothing contained herein shall impair contractual rights established prior to the adoption of this Act, or any amendment thereto.

Section 19. EXISTING EMPLOYEES

Any person holding a town office, or employment under the Town, shall retain such office or employment, and shall continue to perform their duties until provisions shall have been made in accordance with this Act, for the performance of said duties by another person, or agency. No person in the permanent full-time service or employment of the Town shall forfeit pay grade for time in service.

Section 20. EFFECTIVE DATE

This Act shall be submitted for acceptance to the qualified voters of the Town of Sudbury at an annual or special town meeting called for the purpose. The vote shall be taken in precincts by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used at said meeting: "Shall an act passed by the general court in the year nineteen hundred and ninety-four, entitled 'An Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Sudbury', be accepted by this town?" If a majority of the voters voting on this question shall vote in the affirmative, said Act shall take effect immediately. If a majority of the voters voting on this question shall vote in the negative, this Act shall thereupon become void.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

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Judith Cope, Chairman of the Board of Selectmen, made the following motion under Article 2:

Moved to authorize and approve the filing of a petition with the General Court of the Commonwealth under Section 8 of Article 2 of the Amendment to the Constitution of the Commonwealth, known as the "Home Rule Amendment", to enact a special law entitled, An Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Sudbury as set forth in the Warrant under Article 2, except for the following:

1) in Part 3, Section 5(c) in the first sentence delete the words "Board of Assessors" and substitute the words, "Town Accountant";

2) in Part 4, Section 9(c) after the word "Except" in the second line delete the words "Library Director, Assistant Library Director"; and

3) in Part IV, Section 10(d) in the third line, delete the words, "approve the" and "all" before and after the word "award" so that the second sentence will read, "The Town Manager shall award all contracts for all Town departments with the exception of the School Department subject to the approval of the Board of Selectmen;

4) in Part V delete Section 13 in its entirety and renumber the following sections accordingly;

5) in Part V, original Section 14, second sentence, after the words, "maintenance of cemeteries", delete the word "parks, fields and grounds" and substitute the words, "Town property";

6) in Part VI, original Section 15, after the words "the registered voters of the Town of Sudbury shall in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreement continue to elect the following: add Board of Assessors and Board of Health;

7) in Part VI, original Section 16, delete Part "c" and "d" in their entirety and reletter remaining paragraphs accordingly.

The motion received a second.

Following is the Handout prepared for the voters on Article #2:

HANDOUT
MOTION FOR ARTICLE 2
1994 ANNUAL TOWN MEETING

(To show changes between the Warrant and handout motion, words deleted are crossed out. Words to be added are in **bold** and underlined.)

Move to authorize and approve the filing of a petition with the General Court of the Commonwealth, under Section 8 of Article 2 of the Amendment to the Constitution of the Commonwealth, as amended by Article 89 of those Amendments, known as the "Home Rule Amendment", to enact a special law in the following form:

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"An Act Establishing a Board of Selectmen-Town Manager
Form of Administration in the Town of Sudbury

PART I INCORPORATION AND AUTHORITY

Section 1. INCORPORATION CONTINUED

The inhabitants of the Town of Sudbury, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Sudbury".

Section 2. SHORT TITLE

This instrument may be cited and shall be known as the Sudbury Home Rule Charter Act.

Section 3. POWERS OF THE TOWN

The intent and purpose of this Act is to secure for the voters of the Town of Sudbury, through the adoption of this Act, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of the Commonwealth, as fully and as though each such power were specifically and individually enumerated herein. To the extent that the provisions of this act modify or repeal existing general laws and special laws or the body of law which constitutes the Town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

PART II LEGISLATIVE BRANCH

Section 4. TOWN MEETING

The legislative powers of the Town shall continue to be exercised by a Town Meeting open to all voters of the Town.

PART III CHIEF EXECUTIVE FUNCTION

Section 5. BOARD OF SELECTMEN

(a) Composition, Term of Office

There shall be a Board of Selectmen composed of three (3) members elected for terms of three (3) years each, so arranged that the term of one member shall expire each year.

(b) Powers and Duties

The executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all of the powers and duties given to boards of selectmen under the Constitution and laws of the Commonwealth and such additional powers and duties as may be Authorized by this Act, by bylaw or by other Town Meeting vote. The Board of Selectmen shall

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cause the laws and orders for the government of the Town to be enforced and shall cause a record of its official acts to be maintained. The Board of Selectmen shall be the chief policy making board of the Town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all Town agencies serving under the board.

The Board of Selectmen shall be the licensing authority of the Town and shall have power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

To aid the Board of Selectmen in the conduct of its official business and duties, the Board of Selectmen shall appoint a Town Manager.

(c) Appointment Powers

The Board of Selectmen shall appoint a Town Manager, Town Counsel, Board of Assessors- and Town Accountant. The Board of Selectmen shall also appoint all boards, committees, and commissions except as otherwise provided by this Act, by bylaw or other vote of the Town Meeting and such other regional authorities, districts, or committees in accordance with any applicable laws, or interlocal agreement.

PART IV ADMINISTRATIVE OFFICER/TOWN MANAGER

Section 6. APPOINTMENT, QUALIFICATIONS FOR THE TOWN MANAGER

The Board of Selectmen shall appoint a Town Manager who shall serve at the pleasure of the board. The Town Manager shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen. Pending the appointment of a Town Manager or the filing of any vacancy, the Board of Selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the Town Manager, the Board of Selectmen may designate a qualified person to serve as acting Town Manager and to perform the duties of the Town Manager during such temporary absence or disability. The Town Manager shall receive such compensation for services as the Board of Selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the Town.

Section 7. GENERAL RESPONSIBILITIES OF THE TOWN MANAGER

The Town Manager shall be the chief administrative officer of the Town, shall act as the agent for the Board of Selectmen and shall be responsible to the Board of Selectmen for the proper operation of town affairs for which the Town Manager is given responsibility under this Act. The Town Manager, under the policy direction of the Board of Selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility, authority or control by this Act, by bylaw, by Town Meeting vote, or by vote of the Board of Selectmen. The Town Manager shall have the power to delegate, authorize or direct any subordinate or employee of the Town to exercise any power, duty or responsibility which the office of Town Manager is authorized to exercise under this Act. All actions that are performed under such delegation shall be deemed to be the actions of the Town Manager.

Section 8. APPOINTMENT RESPONSIBILITIES

Except as otherwise provided by this Act, the Town Manager shall appoint, based upon merit and fitness alone, a Director of Finance, a Police Chief, a Fire Chief, a Town Clerk, a Treasurer-Collector, a Director of Assessing, a Director of Public Works

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and all department heads and officers, subordinates, and employees under the direct supervision of the Town Manager and officers, subordinates, employees for whom no other method of selection is provided in this Act except employees of the school department. The Town Manager may appoint ad hoc committees as is deemed necessary.

Section 9. PERSONNEL MANAGEMENT RESPONSIBILITIES

The personnel management powers, duties and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following:

- (a) to administer and to adopt personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the Town.
- (b) to fix compensation of all town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan and/or collective bargaining agreements.
- (c) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except, ~~the Library Director, Assistant Library Director and~~ employees of the school department; such contracts shall be subject to the approval of the Board of Selectmen. The Town Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties.

Section 10. FINANCIAL MANAGEMENT RESPONSIBILITIES

The Town Manager, with the assistance of the Finance Director and the Treasurer-Collector, shall be responsible for all the financial management functions of the Town, unless otherwise provided by this Act. Such functions shall include, but are not intended to be limited to, the following:

- (a) to prepare and submit, after consultation with all town departments, an annual operating budget and capital improvement program for all town departments.
- (b) to insure that complete and full records of the financial and administrative activity of the Town are maintained and to render reports to the Board of Selectmen as may be required.
- (c) to approve warrants for payments of town funds prepared by the Town Accountant.
- (d) to be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and books and other media materials for libraries. The Town Manager shall ~~approve the~~ award ~~of all~~ contracts for all town departments with the exception of the school department, subject to the approval of the Board of Selectmen.
- (e) to keep the Board of Selectmen and Finance Committee fully informed as to the financial condition of the Town and to make recommendations to the Board of Selectmen and to other elected and appointed officials as the Town Manager deems necessary or expedient.
- (f) to prepare, annually, a financial forecast of town revenue, expenditures and the general financial condition of the Town.

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Section 11. ADMINISTRATIVE RESPONSIBILITIES

The administrative powers, duties and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following:

- (a) to attend all regular and special meetings of the Board of Selectmen, unless excused.
- (b) to attend all sessions of the Town Meeting and to answer all questions addressed to the Town Manager which are related to the warrant articles and to matters under the general supervision of the Town Manager.
- (c) to administer either directly or through a person or persons supervised by the Town Manager, in accordance with this Act, provisions of general or special laws, bylaws and other votes of the town Meeting.
- (d) to investigate or inquire into the affairs of any town department or office, under the supervision of the Town Manager.
- (e) to coordinate activities of all town departments, officers, boards or commissions of the Town.
- (f) to keep the Board of Selectmen fully informed as to the needs of the Town requiring action by them, or by the Town, as the Town Manager deems necessary or expedient.
- (g) to be responsible for the efficient use, maintenance and repair of all Town facilities, except those under the jurisdiction of the School Committee.
- (h) to develop and maintain a full and complete inventory of all Town owned real and personal property.
- (i) to perform such other duties as necessary, or as may be assigned by this Act, bylaw, Town Meeting vote, or vote of the Board of Selectmen.

PART V ADMINISTRATIVE ORGANIZATION

Section 12. GENERAL POWER TO REORGANIZATION

The Town Manager may reorganize, consolidate or abolish, create, merge, or divide, alter the term of office, the manner of selection of any town department, office, agency or function under the jurisdiction of the Town Manager.

The Board of Selectmen may reorganize, consolidate or abolish, create, merge, reassign responsibilities and duties or divide, alter the term of office, the number of members, the manner of selection, of any board, commission or committee of the Town under the jurisdiction of the Board of Selectmen.

~~Section 13. BOARD OF ASSESSORS~~

~~There shall be three (3) Assessors, appointed by the Board of Selectmen, for three (3) years, arranged so that the term of one (1) member expires each year. The Board of Assessors shall have administrative review responsibilities and decide questions relating to the abatement of taxes and appeals of decisions of the Director of Assessing. The administrative responsibility for the operation of the assessing function and the office of the assessors shall be the responsibility of the Director of Assessing appointed by the Town Manager.~~

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Section ~~14~~/13. DEPARTMENT OF PUBLIC WORKS

Until such time as another form of organization is provided for in accordance with Section 12 of this Act, there shall be established a Department of Public Works. The department of public works shall be charged with responsibility for the management of public works operations of the Town including, but not limited to, the following: highways; solid waste and recycling activities; maintenance of cemeteries, ~~parks, fields and grounds~~ Town property, open space, public memorials, and commons; engineering services; building maintenance of all town buildings, except those of the school department; maintenance of vehicles and equipment; and other operations, and functions as may be deemed necessary or desirable. The department of public works shall also perform such functions and responsibilities as required by bylaw, vote of the Town Meeting or upon direction of the Town Manager or Board of Selectmen. The functions of the Highway Surveyor and the Tree Warden shall be incorporated into the Department of Public Works. The Town manager shall appoint a Director of Public Works. The director shall be especially fitted by education, training and experience to perform the duties of the office; the director shall have such other qualifications as the Town Manager may from time to time provide.

Until such time as another form of organization is provided for in accordance with Section 12 of this Act, personnel responsible for building inspection and zoning enforcement, electrical, gas and plumbing inspection shall be under the direction of the Director of Public Works.

PART VI. ELECTED TOWN OFFICERS

Section ~~15~~/14. ELECTED TOWN OFFICIALS

The registered voters of the Town of Sudbury shall, in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreement continue to elect the following:

Board of Assessors
Board of Health
Board of Selectmen
Moderator
School Committee
Library Trustees
Planning Board, and
Housing Authority

Other such regional authorities, districts, or committees as may be established by law or interlocal agreement.

Section ~~16~~/15. TRANSITION PROVISIONS

- (a) Upon the adoption of this Act the incumbent serving as Town Clerk, shall continue to serve in said office for the balance of the term for which the Town Clerk was elected. Thereafter, the Town Clerk shall be appointed in accordance with this Act.
- (b) Upon the adoption of this Act the incumbent serving as Highway Surveyor shall continue to serve in said office for the balance of the term for which elected. Upon the expiration of said term of office or if a vacancy shall sooner occur, the functions of the office shall be transferred to the department of public works.
- ~~(c) The incumbents serving as members of the Board of Health shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur appointed by the Board of Selectmen.~~

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- ~~(d)~~ ~~The incumbents serving as members of the Board of Assessors shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen.~~
- ~~(e)~~ (c) The incumbents serving as members of the Parks and Recreation Commission shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen.
- ~~(f)~~ (d) The incumbents serving as Constables shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen.
- ~~(g)~~ (e) The department of public works shall become operational thirty (30) days after the appointment of the Director of Public Works.
- ~~(h)~~ (f) Within six (6) months of the effective date of this Act the Board of Selectmen shall appoint a Town Manager.

PART VII. GENERAL PROVISIONS

Section ~~17~~/16. SEVERABILITY

The provisions of this Act are severable. If any of the provisions of this Act are held to be unconstitutional or invalid, the remaining provisions of this Act shall not be affected thereby.

Section ~~18~~/17. EXISTING LAW

All laws, bylaws, votes, rules and regulations, whether enacted by authority of the Town or any other authority, which are in force in the Town of Sudbury on the effective day of this Act, or any portion or portions thereof, not inconsistent with the provisions of this Act shall continue to be in full force and effect until otherwise provided by other laws, bylaws, votes, rules and regulations, respectively. Nothing contained herein shall impair contractual rights established prior to the adoption of this Act, or any amendment thereto.

Section ~~19~~/18. EXISTING EMPLOYEES

Any person holding a town office, or employment under the Town, shall retain such office or employment, and shall continue to perform their duties until provisions shall have been made in accordance with this Act, for the performance of said duties by another person, or agency. No person in the permanent full-time service or employment of the Town shall forfeit pay grade for time in service.

Section ~~20~~/19. EFFECTIVE DATE

This Act shall be submitted for acceptance to the qualified voters of the Town of Sudbury at an annual or special town meeting called for the purpose. The vote shall be taken in precincts by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used at said meeting: "Shall an act passed by the general court in the year nineteen hundred and ninety-four, entitled 'An Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Sudbury', be accepted by this town?" If a majority of the voters voting on this question shall vote in the affirmative, said Act shall take effect immediately. If a majority of the voters voting on this question shall vote in the negative this Act shall thereupon become void."

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Ms. Cope first expressed her disappointment at the small number of voters in the hall (368 voters were in attendance), and called upon those viewing the session from home to come and participate in the voting of this article. Immediately there was a call for a "Point of Order" from George Hamm of Mossman Road who objected to the Chairman "making a pitch" to those voters at home watching on TV.

Chairman Cope believed the Town lacks authority and accountability throughout and there was need for a major reorganization. Most departments work well but having many independent fiefdoms leads to poor interdepartmental cooperation. To this effort a consultant was selected by the Long Range Planning Committee, the Finance Committee and the Board of Selectmen--Mike Smith, who Ms. Cope presented to the Hall as the Vice President of the Massachusetts Municipal Association Causality Group. With the recommendations of the MMA, a Blue Ribbon Committee was 'selected'. It was said input from residents and all affected boards was received.

W. Katz, of Shadow Oak Drive, Chairman of the Blue Ribbon Committee, addressed the hall and first pointed out that MMA was not a 'Causality' Company but a 'Consulting' one. Mr. Katz discussed three topics:

1) What the Special Act Will Do - the changes that will occur: the voters will elect the Selectmen who will appoint a Town Manager to operate the government under the guidance of and will be accountable to the Board of Selectmen. Department Heads will report to the Town Manager and here is what Mr. Katz referred to as "increased accountability for those activities we expect our government to perform. We know it will improve efficiency." He claimed this would "improve interdepartmental coordination because the Town Manager will be in charge of that on a full-time basis." The budgeting process would improve as budgets would be set according to town-wide priorities.

2) Changes in Elected Officials - the Town Clerk, the Highway Surveyor, Commissioners for Park & Recreation, and Trustees of the Board of Health would be appointed.

3) Town Manager - would manage all the Town employees and at his discretion, can change the organization of these departments. Mr. Katz considered this as building "flexibility" into the act, as anytime there is a changing need within the Town, it would not necessitate action of the State Legislature. He referred to this as "maintaining the checks and balances we currently have." The Board of Selectmen would make three appointments: Town Counsel, Town Manager and Town Accountant. With the proposed Act, all elected, all appointed and employed positions would report through the Town Manager with the exception of the Town Accountant.

Mr. Katz explained the implementation of this Special Act would be in three stages: a) majority vote of Town Meeting, b) approval of the Mass. Legislature, which he noted generally approves such Acts without debate, and c) vote of a ballot question placed at a general election.

Mr. Katz expressed his belief the Special Act would not change the process of town government but would provide "effective management through centralized oversight through the Town Manager who reports to the Selectmen." Town Meeting would remain the same. Selectmen would remain the same except they would have more time for policy development and oversight as they won't have to "micro-manage" as they do now. In summary, Mr. Katz's expectations were for a "streamlined, accountable, professional government with better services and better value for the citizens of Sudbury."

P. Berkel of Surrey Lane, also of the Blue Ribbon Committee, tried to give some rationale for Article 2. He claimed, "It is so diffuse within the existing organizational structure that one could find it almost impossible to act in an effective and efficient manner." He expressed the need for hierarchy in the Town as there are full-time people in some cases reporting to volunteer committees, while full-time people are reporting to full-time people. The Town was seen as "committee and commission heavy beyond belief." There was a need for "clear authority", because in his opinion you don't know who is in charge. The span of control has to be improved with grouping of similar tasks so as to get better resource allocation. Article 2 would take all the different diverse structures, the different departments, the different agendas going in different directions and channel it through a Town Manager who would be responsible for the performance of all the different departments in Town.

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Mr. Berkel indicated that he had input from people who work in different town offices and was told the "government is fragmented". Things get done, but they get done through bartering. They get done through long-term friendships or trade offs. It is not done because it makes sense organizationally." Recognizing the small number of voters present in the hall, he urged the people present to seriously think before they vote this article down. He also said, "This is a far more serious issue than what we should really be working on. This needs to go...it is a Town issue so let's make it a Town vote."

Finance Committee (S. Stolle) The Finance Committee unanimously supported Article 2 for three reasons:

- 1) Clear delineation of the lines of responsibility and accountability
- 2) Savings will be realized with reorganization and consolidation
- 3) The Finance Committee needs help - noting its members do not have municipal finance expertise.

Pat Delaney, member of the Blue Ribbon Committee and the Board of Appeals, and former member of the Board of Assessors, noted that only the "good" points of the plan had been presented while many of the "undesirable" features had been left out. For example:

First - missing is a provision for setting a procedure for terminating a Town Manager. The Selectmen may or may not write such a provision into each employment contract. Mr. Delaney noted other towns spell out the grounds for termination, the time frame in which it can be conducted, methods of appeal and arbitration, all as a matter of law, to protect the Town as well as its employees.

Second - missing is a provision for local revocation. This would mean if the Town Management form of government did not work out satisfactorily, only the State Legislature can correct the problem. While other towns reserve this right for themselves, this Special Act gives it to the State Legislature.

Mr. Delaney noted that this "shifting power away from the townspeople and giving it to the legislature is a running theme of this Article."

Third - missing is a fixed organizational structure. Under this Special Act departments may be reorganized, eliminated or combined at any time by the Town Manager. Other towns specify their departments and the positions by law and define the duties and terms of office, as they do not feel comfortable giving this degree of power to a Town Manager.

Fourth - missing is a provision that clearly prevents the Selectmen, for example, from appointing themselves to other positions. Other towns require that people can hold only one office at a time unless the law says otherwise.

Fifth - missing is a provision which spells out circumstances under which town officials can enter into contracts with the Town. This has the effect of codifying ethics.

Sixth - missing is another protection which would avoid the inherent conflict of interest of the Town Manager negotiating personnel contracts with department heads. The fear being the Town Manager would receive the same benefits as the department heads and would, therefore fail to negotiate vigorously. Mr. Delaney noted this problem is not unknown to Sudbury.

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Seventh - elected offices, such as the Board of Health, Board of Assessors or the Planning Board, would be stripped thoroughly of their authority and missing from all of these positions would be all their responsibility for financial matters, personnel matters, contract negotiations and the making of policy. These positions would become organizational abrogations with tremendous responsibilities but no authority over their own people and budgets. The rationale being the Town Manager would make sure adequate budgets and personnel would be provided for the elected boards. As a former elected official, Mr. Delaney emphatically stated this arrangement does not work and noted how his board had been denied access to a shared personnel resource in an effort to control his board's policies.

Eighth - missing is the "openness of our government". Today anyone can attend most any meeting of a board or committee, because State law requires that elected and appointed boards meet in public, publish and document the results. There is no such requirement in this Article for a meeting between a Town Manager and his staff. Meetings that would have been public would now become private. All budgeting for elected officials takes place in open sessions. This article would shift all the budgeting duties to the Town Manager's staff and the public would be effectively shut out.

Mr. Delaney pointed out that though some may think most Massachusetts towns have a Town Manager--the reverse is true...most do not. In his study of town's with town managers, Mr. Delaney noted the following:

1. Their powers are strictly regulated.
2. The right to change the organizational structure of the government is reserved for Town Meeting and Town Meeting alone, while Article 2 takes the power to reorganize away from the people and their elected representatives and gives it to one person, a paid political appointee.
3. Article 2 is written so that modifying the authority of the town manager in the future could be quite difficult as
 - a) It would require a Town Meeting vote,
 - b) A referendum vote, and
 - c) A special act of the legislature.

This was described tonight as a fairly quick process, but during the meeting of the Board of Selectmen on January 10th, it was identified as something that would take two years to accomplish. As Mr. Delaney pointed out, two years to make changes that we now routinely do at Town Meeting.

Mr. Delaney concluded there is no good reason to cede control of our local government to the Legislature. Real benefits are to be had from prudent restructuring. Article two, in his view, goes too far--it proposes radical and extreme changes that would be difficult to reverse and uncomfortable to live with. He stated there was no reason to:

- 1 - give carte blanche to a Town Manager,
- 2 - give up most of our elected positions,
- 3 - give up town meeting control of the Personnel Plan,
- 4 - give up public meetings.

There is a way to have the good mentioned tonight and none of the bad--by balance and compromise, that with which the Blue Ribbon Committee had some trouble. There is a need for a plan that will improve our government without taking it away from us. Article 2 is not such a plan.

Selectwoman, Maryann Clark, spoke in support of Article 2 as there is a need to get the best use of our resources. Overlapping has occurred with the evolution by change of so many boards and the flow of communication broke down. The end result being the lack of accountability. The greatest obstacles to efficiency being poor management and poor organizational structure. Management requires daily a house divided, a town divided and we know that a town divided is not going to work for the best interests of Sudbury. With one exception, the Town Clerk's Department, Selectwoman Clark supported Article 2. In reference to the Town Clerk's Department it was her opinion that wise judgement would keep this department elected so it can remain

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an independent department free from pressures from the Town Manager, the Board of Selectmen and free from alteration and interference by hackers and others.

She noted the many comments she had received relative to "too much power in a Town Manager" and "What criteria are we going to use to find such a talented person?" and noted procedures the Board of Selectmen should use to find someone who would be effective and not just one who would be popular. Her closing remark was "Good judgement says reorganization to a Town Manager is a good choice for Sudbury except keep the Town Clerk's office free from outside influence."

Dr. Donald Kern, Chairman of the Board of Health, speaking for the Board, expressed its unanimous opinion of great misgivings about Article 2 as it related to the State mandated operations of the Board of Health. He noted later in the session he was going to propose to amend the article in several ways, and proceeded to explain what the changes would be and the reasons for them. The three actions would be: 1) remove the Health Director from the control of the Town Manager; 2) under "Appointment Responsibilities" amend the section so as both the School Dept. and the Health Dept. would be excepted; and 3) also amend the "Financial Management Responsibilities, so again both the School Dept. and the Health Dept. would be excepted. As he started to explain the reason for these changes, the Moderator stated it was not possible to permit a decision of a motion that was not on the floor, as those are the rules that he operated under. He continued to say if the Board of Health had a motion, and wanted to make it at this time and debate it, that would be fine. If they wished to wait and make a motion and then speak to it, that would be fine also.

Dr. Kern continued to speak to other issues with the article and presented reasons why local Boards of Health have been insulated from potentially conflicting demands of local politics by the State. He pointed out long standing and still current State law gives sole authority for hiring and directing the agents of a Board of Health to the elected members of the Board and proceeded to present a variety of important professional and health reasons.

In closing Mr. Kern noted that in the eight years of service to the Town the Finance Committee never expressed any concern about the operations of the Board being fiscally inefficient or imprudent. He opined there seems to be little potential benefit and great potential risk to change the current efficient and effective system followed by the Board of Health to that proposed in the article. He added, "Possibly, the Board of Health avoids political controversy precisely because of its long history of its professionalism and priority for the physical and mental health of the Town and all its residents - adults, children, the elderly and the infirm." He hoped the voters would agree and keep the Board of Health the way it is presently.

Russell K. Kirby, of the Boston Post Road, a member of the Blue Ribbon Committee, made the following motion under Article 2:

Move to Indefinitely Postpone action on Article 2.

The motion received a second.

Mr. Kirby noted his many years of professional experience proposing and implementing administrative changes in both private industry and State Government, as well as the number of years he served as both an elected and appointed official in Sudbury. Because of his background, his evaluation of what Article 2 proposed differed widely from the majority of the Committee. He believed it was not in the best interests of the Town to take action on this article at this time. He noted that what began as an investigation into cost savings opportunities, turned into a proposal for removing authority from elected Town officials and concentrating it in a single appointed position, one over which the voters of Sudbury would have no direct control.

Indefinite Postponement would provide the voters an opportunity to call time to review carefully what the language in the article really means. Time to understand specifically what problems it might solve and what new ones it might create and what kind of a "price tag it carries."

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The objective of the original "Request for Proposal", RFP, issued by the Selectmen, was to "investigate and report cost savings opportunities". The "Scope of Services" section required that specific recommendations be made and "for each recommendation provide a complete description, an estimate of cost savings potential, implementation steps and schedule and prioritized same." MMA Consulting Group, the successful bidder, delivered a document of 100 pages that included just one recommendation - voters accept Article 2 as presented. It provided:

- 1) no estimate of cost savings potential;
- 2) no implementation steps and schedule;
- 3) no priorities; and
- 4) no alternatives.

Mr. Kirby thought it difficult to find \$20,000 worth of value having been rendered according to the RFP. However, his real issue was what will change with the proposal.

Currently, there are fourteen elected bodies making up Sudbury's Town Government plus the Sudbury Water District which is a totally independent and separate political unit. Also, there are fifteen appointed positions the Board of Selectmen has full and complete authority over. The proposal substitutes the title of "Town Manager" for that of "Executive Secretary"; it shows a 50% reduction in the number of elected positions; and all that remains of Town Government, except for the schools, reporting directly to the new Town Manager position. The Article spells out clearly the authority that would be vested in the new position, but it does not say where it comes from. He asked, who has this authority now? The answer being the "Voters" and "those persons who presently hold elected positions".

He next asked "Who presently has most of this authority?", when he was interrupted by the Moderator who viewed Mr. Kirby's remarks as not addressing his motion for Indefinite Postponement, but to defeat the article. Mr. Kirby asked for an additional two minutes to state exactly why the motion should be postponed and not acted upon. Continuing, he answered his question by noting the Board of Selectmen's authority would be greatly reduced if this article was enacted. The hallmark of government, the separation of powers provides a set of built in checks and balances at all levels. The wisdom of this separation is self-evident. Division of authority among elected positions provides the same necessary checks and balances at all government levels.

He concurred improvement in our local government was long overdue, but there was nothing in Article 2 that would in anyway reduce the cost of government or make it more responsive to the citizens of Sudbury. Contrary to the proponents, he saw the proposal providing a more expensive and less responsive government as much more likely.

He asked the voters to set aside Article 2 and return to the objective stated in the RFP and resume the process from that point. Should an objective analysis of the facts indicate compelling reasons to transfer authority away from any elected position, then an "Elected Charter Commission" should be convened to evaluate such a proposal in a completely open forum with as much public participation as possible.

Several voters spoke in support of the motion to Indefinitely Postpone, then a motion *Move the question* was received and presented to the voters.

The Moderator was in doubt as to the hand vote and asked for a standing vote. The question was presented to the voters again and was **CARRIED** by a standing vote.

At this time there was a call for a "Point of Order" as a question was asked if the Chair would entertain a motion to suspend the session until the following evening, as it was now 10:30 pm. Such a motion was moved and seconded. The Moderator inquired if Selectmen Blacker wished to be heard, whereupon he stated he had nothing to say. The Moderator then stated the motion was not subject to debate.

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The motion to adjourn was VOTED.

The meeting was adjourned to tomorrow night at 7:30 pm when debate under Article 2 would resume.

Attendance: 368

ADJOURNED ANNUAL TOWN MEETING
APRIL 5, 1994

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1994, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, April 5, 1994, for the second session of the Annual Town Meeting

The meeting was called to order at 7:42 pm when a quorum was declared present. The Moderator noted all motions of substance, including main motions and motions to amend a main motion, were to be put in writing and presented to the Town Clerk before they are made or directly thereafter.

ARTICLE 2 (Continued)

Jean MacKenzie, Town Clerk, made the following motion:

Moved to amend the motion under Article 2, A Special Act to Establish a Board of Selectmen-Town Manager form of administration by explicitly excluding the position and department of the Town Clerk as is the Sudbury Public Schools and delete all reference to the Town Clerk in the motion and handout, 'Motion for Article 2, 1994, Annual Town Meeting' and add the words "Town Clerk" to Section 14, Elected Town Officials after the words, "Housing Authority" or take any action relative thereto.

The motion received a second.

The Town Clerk noted the town has a long history of self governance, one which Article 2 was asking the voters of the Town to abandon - to relinquish the right and privilege to elect its own political leaders. The founding fathers established the position as the custodian of all records as of its importance to the conduct of a Town's business. In so doing they recognize the value of making the position answerable directly to the voters of the community. The legislature has built upon this foundation for more than three centuries by defining the authority and responsibilities of the Town Clerk through legislative mandates. Additionally, the position has continued to evolve in response to the ever changing laws and statutes while serving the many needs of a growing community.

Of the 351 Massachusetts communities, 27 have appointed Town Clerks. Many more considered and rejected this concept, one of which is Wayland, our next door neighbor with whom we always compare ourselves. Dedham took the same action a couple of weeks ago. The State Legislature, as well as individual cities and towns has recognized the need and importance of maintaining the independence of the Town Clerk's office keeping it free from outside influence, thereby maintaining the system of checks and balances so wisely established by the founders of our country. Any decision to make the Town Clerk position appointed is a significant step away from the system of checks and balances.

The consulting firm of Boyer, Bennet and Shaw recently studied the issue of elected vs appointed officials in several communities and determined that in municipal government today there is a need to have a tie, a link between the taxpayers and their government. That tie is the strongest with its elected officials. The study particularly noted the Town Clerk's office is most closely associated with its citizens and residents, more than any other public office, and it suggested that the benefits to the community by maintaining the Town Clerk as an elected office vastly outweigh any perceived benefits of making it an appointed position.

To perform impartially the numerous duties required, the Town Clerk must remain independent and free from intimidation. This can best be done by being responsible to the voters and not to one person or a board with special interests. The most important function of the Town Clerk is to insure the integrity of all elections. This critical function should remain responsible directly to you the voters, as it is your constitutional rights that must be safeguarded.

Sudbury has nothing to gain by tampering with the elected positions. It clearly stands to lose a vital part of its

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heritage, its self-governance through its electoral process. If the proposed management changes are implemented, we will be taking a giant step away from the government of the people. No evidence has been presented by the proponents of this article that giving up your right to elect the Town Officials of your choice will in anyway be in the best interests of the town or you the voters. In our democracy, there is no substitute for informed participation by the people in their government through the electoral process.

The Board of Selectmen did not support the motion to amend.

The Blue Ribbon Committee, according to its Chairman, at its last meeting, considered whether the Special Article should be amended to permit boards and/or committees such as the Board of Health, Planning Board, Library Trustees and Board of Assessors the authority to appoint departmental personnel, except for the schools, such as the Health Officer, Director of Assessing, Town Planning and Library Director, who will be employees of the Town, and also whether such boards and/or committees should be permitted to oversee the administrative affairs of the departments associated with their function. It was the understanding of the Committee that this should include the Town Clerk as well. The Committee agreed not to support such amendments to the Special Act.

At this time, the Moderator advised W. Katz, Chairman of the Blue Ribbon Committee that if he was planning to amend the Town Clerk's amendment, he should do it right now, as later a two-thirds vote for reconsideration would be required. The Moderator, assisting Mr. Katz with his motion to amend, clarified Mr. Katz's desire to strike therefrom the changes in Sections 9 and 10, to which he agreed and then Mr. Katz added he wished to keep the changes in the new 14 and the new 15. The Moderator then advised Mr. Katz that "What you want to do is to amend Mrs. MacKenzie's motion by not allowing any changes in Sections 9, 10 and I believe the second paragraph of Section 8 also. Is that right?" Mr. Katz responded in the affirmative.

The unwritten secondary motion to amend received a second. A point of order was called questioning why modifying the subfunctions would be treated as "reconsideration". The Moderator explained that an amendment to a specific amendment to a motion secondarily amended is reconsideration of the same matter that the Town has discussed once.

The secondary motion failed by a hand vote.

Many voters spoke both in favor and opposition to the Town Clerk's amendment, which was again placed before the voters. Though the Clerk requested to rebut some of the issues presented, as has been the procedure followed at Town Meeting, she was denied that privilege by the Moderator who remarked he had forgotten she wished to address the hall again. Instead the Moderator took a *Motion for the question* and stated, "I think that there has been enough debate on the motion to amend which is all we are calling the question on."

The motion for the question received a second and the Moderator stated there seemed to be a clear two-thirds.

The motion to amend was presented to the voters. As the Moderator was in doubt of the vote with a hand count, he requested a standing vote. The vote was placed before the voters again, and he declared the motion to amend to have failed.

At this time, the Moderator stated he was going to depart from his usual rules of procedure and rather than call upon the people who asked for advance recognition, in the order their names were received, he decided to move to those people who had asked to make motions to amend, in order to facilitate debate.

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Mary Jane Hillery of Willow Road requested the Moderator to keep the names of the members of the Blue Ribbon Committee on the viewgraph, as there appeared to her a little bit of unfairness having the committee representatives give the point of view of the Blue Ribbon Committee and then have the Committee's other members given more floor time. The Moderator retorted "I know of no way I can prevent people from speaking. Believe me, I have been searching for ways not to let certain people speak but it isn't there. Therefore, it is perfectly proper for all members of a committee—it is probably, it they purport to speak for the Committee, they are expected to identify themselves as speaking for the committee. On the question as to whether those names should be on the viewgraph, that is controlled by somebody other than me in the hall." He then asked for a sense of the hall and the names were placed on the viewgraph.

Another voter requested speakers identify themselves each time they address the hall. The Moderator, misunderstanding the voter's request, explained, "Everyone in the hall, whether on a committee or not was a citizen of the Town. It is required that if they speak at the request of and for a committee, expressing its point of view, they are supposed to identify that fact, so as to make it clear this is the committee's position being presented." Whereupon the voter rephrased his request that speakers give their names and addresses for the record before addressing the hall.

Park & Recreation Commission was next recognized. Pat Burkhardt of Field Road, speaking for the entire Commission made the following motion:

Move to amend the handout motion for Article 2, Section 14, "Elected Officials", add the Park and Recreation Commission and to Section 15, delete Part C.

Before taking a second to the motion, the Moderator inquired if Park & Recreation "wished to retain for the Park and Rec the right to appoint the Director?", to which Ms. Burkhardt responded in the negative. He thereupon stated "Park and Rec fully understands that the authority to appoint the Director will now go to the Town Manager should the Act pass", to which Ms. Burkhardt responded affirmatively.

The motion received a second.

Ms. Burkhardt expressed the concern of the Commission becoming appointed under this article. Having continually heard the statement that Boards or Commissions involved with policy should be elected, she noted that if this Act passes the Commission would be a policy making board and therefore should be elected.

The Board of Selectmen supported this amendment because, according to Selectmen Blacker, "it doesn't affect the day-to-day function but it is a policy making situation".

Mr. Katz of the Blue Ribbon Committee noted his committee had been somewhat ambivalent about this department, as it had expressed before that appointment was "adequate" for them. He thereupon stated, "with the exception of the last election, all of the other members of the Committee had to be appointed because nobody ran for office." This statement brought forth many voices in the hall saying "No, No." Mr. Katz remarked his statement was true, but perhaps not all members. However, his committee wouldn't object to this amendment if the voters were so inclined.

Ms. Burkhardt, for clarification, noted that members were appointed to the Commission only to replace elected people who had resigned. In fact she pointed out that at the town election each year, there are more candidates for the Commission than there are openings.

The motion to amend the main motion by inserting the words "Parks and Recreation Commission" in the Section entitled "Elected Town Officials" and by striking what was Section C of the transition provisions dealing with the incumbent members of the Park and Rec Commission, was presented to the voters and **VOTED** by a hand vote.

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Michelle Stakutis representing the unanimous opinion of the Board of Health made the following motion to amend:
Move to amend Article 2 to remove the Health Director for the egis of the Town Manager in Section 8 under "Appointment Responsibilities" to include the Health Department in addition to the employees of the School. And in Section 10, under Financial Management Responsibilities in Paragraph D, change the sentence to read: "the Town Manager shall award all contracts for all Town Departments with the exception of the School and Health Departments subject to the approval of the Board of Selectmen.

Before seeking a second, the Moderator inquired if "the Board of Health wished to alter in any way the second paragraph of Section 8, the provision where the Town Manager would appoint, based on merit and fitness alone and continues on and mentions the subordinates. Ms. Stakutis responded in the affirmative. Thereupon the Moderator noted the addition of the words "Board of Health" after the words "School Department" in Section 8. Then he noted, "and the words "Board of Health" after the words "all Town Departments" in Section 10A, and the words, "Board of Health" would be added right after the words "School Department" in Section 10D."

Asked if this is what he understood her motion to be, Ms. Stakutis replied "Yes".

The motion received a second and Ms. Stakutis provided the following information to support the motion before the voters. The Board of Health did not support the article as written as it would take exception to Massachusetts State Law which mandates that Boards of Health hire, fire and direct the duties of the Health Director. The reason for an elected board to be responsible for the position of its Director was clear. The Board of Health members are professionals with special knowledge on health issues and are accountable for the work of the Health Director in carrying out their policies. They must be fully responsible for his position or else accountability becomes mute. Should there be a differing opinion between the members of the Board and that of the Selectmen or a Town Manager, the Health Director would be in a very difficult position.

It was pointed out the Board deals with very sensitive patient issues. Additionally, it was hard to understand how a Town Manager would handle the professional aspects of those services contracted out by the Board for mental health, nursing, mosquito control, etc. This requires the work of professionals elected by the voters. Streamlining communication between departments can be done while allowing the Board of Health Director to remain under the complete direct egis of the Board of Health. Patient privacy and professional independence, Ms. Stakutis noted, are essential to the Board's staff. Without clearly being educated in the field, it was difficult to understand how someone would be able to make decisions of prioritizing the Health budget and its contracted services.

John Rhome, Chairman of the Planning Board, interjected his concern at this time that board by board was presenting separate motions to amend on the control of their own employees. In light of what had already taken place, the Planning Board's proposed motion, in his words, had become obsolete. The Moderator, advised Mr. Rhome to correct his motion as it did not deal with the Planning Board employees. Mr. Rhome stated he was going to propose there be no control over the employees of elected Town Boards, however a vote had already been taken on Park & Rec, an elected board, which would no longer have control over its employees should Article 2 pass.

Before proceeding with the motion before the voters, a 'Point of Order' was called by H. Sorett of Longfellow Road. Should the motion presently on the floor be defeated, would Mr. Rhome's motion require a two-thirds vote if he wanted to incorporate all the boards, in that one board would have already been defeated? The Moderator's response being in the affirmative, Mr. Sorett suggested, in the interest of fairness, to entertain Mr. Rhome's motion as a motion to amend the underlying motion and get the whole issue debated. Mr. Rhome decided he would wait to see how the vote went with the motion on the floor and then present a different one which would require just a majority vote.

W. Katz of the Blue Ribbon Committee explained his Committee was asking to have all employees of the Town, people who draw salaries from the Town and are responsible to the citizens of Sudbury, be administered by the Town Manager. The employees would report to their various boards and committees for professional guidance. "Yes" he said, they would have two bosses, but that doesn't mean you can't work for two bosses. Therefore he asked to leave the act intact by not removing employees of the Town from the purview of the Town Manager.

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W. Cooper of Cedar Creek Road, former member of the Board of Health remarked he would have been very uncomfortable if he had to try to be sure the Town Manager was on his side before he tackled a difficult issue, giving as an example the opening of a restaurant after it had a fire. A Town Manager's input and judgment would to some extent replace that of the elected Board of Health or their professional director because there are inherent conflicts. Another example he gave was dealing with a subdivision where there is a question of septage disposal. The Board of Health would view this strictly from a health point and not be influenced by other aspects that would be pressure on a Town Manager. Proposing an elected board to have no line of authority over its employees or its staff would, in Mr. Cooper's words, be analogous to having an appointed Police Chief who couldn't tell the Police Department what to do. He repeated these positions should be maintained as elected and the elected boards ought to have the authority to run their own operations.

D. Tucker of Lincoln Road inquired as to the State Law involved with the "appointment" of the Health Director. Was this law contrary to State Law? Town Counsel, Paul Kenny, opined, "Yes, notwithstanding whether the State Law would provide that the Board of Health would appoint the Health Director, this is a 'Special Act' when the Legislature passes that, it would supersede any general Law with which it is in conflict with."

Following further discussion, there was a motion to Move the question and terminate further debate.

The Moderator reviewed the motion to amend by the Board of Health, as follows:

In Section 8, Appointment Responsibilities would change the end of the first sentence to read: 'Employees for whom no other method of selection is provided in this Act, except employees of the School and Health Departments'; Section 10B add the words 'Board of Health' after the words 'Town Departments' and in Section 10, Financial Management Responsibilities, Paragraph D, change the second sentence to read: 'The Town Manager shall award all contracts for all Town Departments with the exception of the School and Health Departments subject to the approval of the Board of Selectmen'."

The motion to amend was placed before the voters for a vote. R. Coe of Churchill Street, reminded the Moderator a prior motion to "Move the question" was on the floor.

The Moderator then placed the motion to terminate debate before the voters. Upon the raising of cards in support or opposition, the Moderator declared the vote a clear two-thirds.

Once again the Board of Health's motion to amend was placed before the voters. As the Moderator was in doubt of the hand vote, he requested a standing vote. The Moderator stated the vote was very close but declared the motion as **VOTED**. Seven voters requested a counted vote.

The total number of votes was 328, requiring 165 to approve the amendment.

YES: 168 NO: 160 The motion was **VOTED**.

At this point, the Moderator announced Mr. Rhome of the Planning Board would be making a motion to remove the employees of the Planning Board and the Board of Assessors from out of the jurisdiction of the Town Manager, and there would be another motion to follow, which would specifically address the Director of Assessing. The Moderator explained this would not be "reconsideration" as the first motion would not involve the position of the Director of Assessing, which is in a separate section of the statute.

Mr. Rhome moved to amend Article 2 by inserting after the words, 'except employees of the School Department and Board of Health', the words 'also the Planning Board and the Board of Assessors' in Part 4, Section 8.

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The motion received a second.

Pointing out Town Counsel's opinion, previously provided, that the Act as it stands, not only manages the employees but selects them, Mr. Rhome explained it was very important for the Planning Board to choose the Town Planner to meet its qualifications. Therefore, he took objection to the idea the Town Manager would select the Board's Planner and employees.

Tom Hillery, Willow Road, of the Board of Assessors, spoke to the successes of the Department under its present structure and noted the cooperation and increased coordination that already exists. With the present system, the Board is not subject to political influence whatsoever, except by the voters.

Ralph Tyler, Deacon Lane, a member of the Blue Ribbon Committee, speaking for himself, and noting these Boards wished to have the power to be involved in the selection process, made the following motion:

Move to substitute the following amendment - Section 8, following the first sentence add the following: that the appointment of the Town Planner shall be subject to the approval of the Planning Board and the appointment of the Director of Assessing by subject to the approval of the Board of Assessors.

For the benefit of the hall, the Moderator restated the motion and clarified it would give the appointment power to the Town Manager subject to the approval of those Boards.

The motion received a second.

H. Sorett of Longfellow Road, remarked that with the passage of the substitute motion, the appointment of an office holder would be subject to the consent of the Board, but not the individual's performance, management or retention in office. The Board would have some voice in the decision of who gets hired, but then loses all other controls which revert to the Town Manager. He urged defeat of the substitute amendment.

L. Blacker, Selectman, disagreed and supported the substitute amendment.

Considerable discussion ensued until there was a motion to *Move the question*. The motion received a second. The Moderator declared the hand vote was a clear two-thirds in favor of terminating debate.

The Moderator placed Mr. Tyler's 'substitute' motion before the voters as an 'amendment to the amendment'. Mr. Tyler noted the difference and brought it to the Moderator's attention. However, the Moderator did not agree a 'substitute' motion was on the floor and stated firmly that he took it as a 'motion to amend the motion to amend'. After rereading Mr. Tyler's 'substitute' motion, the Moderator acknowledged his error and explained the motion before the voters was to completely amend and it would add the following to the first sentence of Section 8:

"the appointment of the Town Planner shall be subject to the approval of the Planning Board and the appointment of the Director of Assessing shall be subject to the approval of the Board of Assessors"

The motion was placed before the voters and it was defeated by a hand vote.

Mr. Rhome's original motion to Section 8:

To amend by inserting after the words "except employees of the School Department and Board of Health" the words "also the Planning Board and Board of Assessors" was again presented to the voters.

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A motion to Move the question was received. The Moderator asked "How many want to terminate debate and vote? He then declared the motion "PASSED".

The motion to amend was placed before the voters and it was defeated.

As there were no additional motions to amend, the Moderator continued calling upon the many people whose names he had received who had requested advanced recognition to speak on the main motion under Article 2, most all of whom were members of the Blue Ribbon Committee. {The full text of their presentations are available at the Town Clerk's office.}

Dr. D. Oasis of Willis Road expressed his "mea culpa" for not having attended the meeting of the Blue Ribbon Committee and participated. Noting the Blue Ribbon Committee started meeting in January and met through to March, he inquired what the deadline was for articles to be submitted for Town Meeting. Town Counsel replied it was December 31st, with the exception of Petition Articles, that may be submitted until the Warrant goes to the printer. As this was not a "Petition" article, Dr. Oasis observed this article was submitted prior to the Committee ever having met. Selectwoman Cope stated it was a "bookmark" article to preserve the Board of Selectmen's right to bring it to Town Meeting.

J. Rhome of the Planning Board, speaking for himself, stated he was truly disturbed the Town was giving up a form of democratic government in adopting Article 2, as amended. For a situation such as the Newton-Wellesley Hospital, or General Electric, this would work fine, but a democratic form of government involves one of two things.....either there is no central power or if there is one there is also a system of checks and balances to that central power. He pointed out the different levels of government that have a powerful executive also have an elected legislature, or in cities a council elected by the people. With the plan as presented, Mr. Rhome noted there is no check and balance to the Selectmen and the Town Manager. Having worked in town governments for twenty-five years, in Sudbury and elsewhere, he found this factor deeply troubling and as a matter of principle could not support Article 2.

At this time, a voter in the hall pointed out to the Moderator that after much debate and discussion, as there has been, he usually asks whether anyone has not made up his mind. The Moderator replied he only does that when he gets a "Motion for the Question." The voter then Moved the question.

The Moderator asked if there was anybody in the hall who had not made up his mind. he then accepted the motion for the question, and asked the voters to indicated by raising their cards.

He then reread the motion under Article 2, which was separate from the handout:

Move to authorize and approve the filing of a petition with the General Court of the Commonwealth under Section 8 of Article 2 of the amendment to the Constitution of the Commonwealth as amended by Article 89 of those amendments known as the Home Rule Amendment to enact a Special Law, entitled An Act Establishing a Board of Selectmen/Town Manager Form of Administration in the Town of Sudbury as set forth in the Warrant under Article 2 except for the following:

- In Part 3, Section 5C, in the first sentence delete the words, 'Board of Assessors' and substitute the words 'Town Accountant';
- In Part 4, Section 8, add after the word 'School', insert the words 'and Health' and pluralize the word 'department';

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- In Part 4, Section 9C after the word, 'except' in the second line, delete the words, 'the Library Director, Assistant Library Director and';

- In Part 4, Section 10D in the third line delete the words 'approve the' and 'of' before and after the word 'award' and add 'and Health' in the fourth line and pluralize 'department' so that the second sentence will read:

"The Town Manager shall award all contracts for all Town departments with the exception of the School and Health Departments subject to the approval of the Board of Selectmen."

- In Part 5, delete Section 13 in its entirety and renumber the following sections accordingly;

- In Part 5, original Section 14, second sentence, after the words 'maintenance of cemeteries' delete the words "parks, fields and grounds' and substitute the words 'Town property';

- In Part 6, original Section 15, after the words 'the registered voters of the Town of Sudbury shall in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreement, continue to elect the following:' add 'Board of Assessors, Board of Health and Park and Recreation Commission';

- In Part 6, original Section 16, delete parts C, E, and D in their entirety and reletter the remaining paragraphs accordingly.

The above main motion, as amended under Article 2, was presented to the voters and it was **VOTED** by a hand vote.

A motion was received to adjourn the Town Meeting to tomorrow, April 6th at 7:30 pm. A vote was taken on the motion and the Moderator declared the meeting adjourned.

The meeting adjourned at 10:40 pm.

Attendance: 381

ADJOURNED ANNUAL TOWN MEETING
APRIL 6, 1994

A quorum being present, the meeting was called to order at 7:42 p.m. and the first order of business was Article 3.

{The full text of all discussions under each article is available at the Town Clerk's office.}

ARTICLE 3. AMEND PERSONNEL BYLAW, ART. XI - CLASSIFICATION AND SALARY PLAN

To see if the Town will vote to amend Article XI of the Town of Sudbury Bylaws, entitled, "The Personnel Administration Plan", by deleting the Classification and Salary Plan, Schedules A & B, in its entirety and substituting therefor the following:

TOWN OF SUDBURY - FY95
SCHEDULE A - CLASSIFICATION PLAN
SCHEDULE B - SALARY PLAN

GRADE 1

GRADE 6

Dog Officer
Police Dispatcher
Secretary/Legal Secretary Assessor
Secretary II/Office Supervisor
Grounds Foreman (40 Hrs./Wk) Town
Board of Health Coordinator

GRADE 2

Clerk I
Switchboard Operator/Receptionist

GRADE 7

Assistant Assessor
Assistant Town Accountant
Assistant Town Clerk
Assistant Children's Librarian
Head of Circulation, Library
Head of Technical Ser., Library

GRADE 3

Clerk II/Senior Clerk
Library Clerk
Recording Secretary

GRADE 8

Conservation Coordinator
Director, Council on Aging
Adult Services/Reference Librarian
Children's Librarian
#Assistant Town Treasurer & Collector

GRADE 4

Fire Dispatcher (40 Hrs./Wk)
Library Technician
Secretary I
Van Driver, Sr. Center
Senior Data Processing Clerk
Grounds Person (40 Hrs./Wk)
Maintenance Custodian (40 Hrs./Wk)
#Accounting Clerk

GRADE 9

Administrative Ass't to Board of
Assistant Library Dir.(Not filled FY94/95)
#Aquatic Director

GRADE 5

Outreach Case Manager
Library Office Coordinator
Grounds Mechanic (40 Hrs./Wk)
Census and Documentation Coord.
Accounting Administrative Assistant
Part-Time Reference Librarian
#Aquatic Coordinator

GRADE 10

Community Social Worker

GRADE 11

Budget & Personnel Officer
#Park & Recreation Director

GRADE 12

GRADE 13

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GRADE 14
Highway Surveyor (Elected)
GRADE 15
Fire Chief
Police Chief
GRADE 16
GRADE 17

Title Change, Reclassification, or new position

Executive Secretary - Non Union - Contracted Position

Town Clerk - Non Union - Elected (Grade 10 for advisory purposes only)

The following are Union positions:

Supervisor of Town Buildings
Assessor/Appraiser
Library Director
Supt. Parks and Grounds
Town Planner

Director of Public Health
Inspr. of Bldg./Zoning Enforcement Agent
Town Treasurer/Collector
Director of Finance/Town Accountant
Town Engineer

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FY 95: 7/1/94 - 6/30/95

	Minimum 1	2	3	4	5	6	Maximum 7
GRADE							
1	8.92	9.27	9.64	10.02	10.41	10.82	11.24
2	9.64 17,609	10.02 18,300	10.41 19,018	10.82 19,764	11.24 20,539	11.68 21,345	12.14 22,182
3	10.41 19,018	10.82 19,764	11.24 20,539	11.68 21,345	12.14 22,182	12.62 23,053	13.11 23,957
4	11.24 20,539	11.68 21,345	12.14 22,182	12.62 23,053	13.11 23,957	13.63 24,897	14.16 25,873
5	12.14 22,182	12.62 23,053	13.11 23,957	13.63 24,897	14.16 25,873	14.72 26,888	15.29 27,943
6	13.11 23,957	13.63 24,897	14.16 25,873	14.72 26,888	15.29 27,943	15.89 29,040	16.52 30,179
7	14.16 25,874	14.72 26,888	15.29 27,943	15.89 29,040	16.52 30,179	17.17 31,363	17.84 32,593
8	15.44 28,201	16.04 29,308	16.67 30,458	17.32 31,652	18.00 32,894	18.71 34,185	19.45 35,526
9	16.82 30,740	17.49 31,945	18.17 33,199	18.88 34,501	19.62 35,855	20.39 37,262	21.20 38,724
10	18.34 33,506	19.06 34,821	19.81 36,187	20.58 37,606	21.39 39,081	22.23 40,616	23.10 42,209
11	19.99 36,522	20.77 37,954	21.59 39,443	22.44 40,991	23.32 42,599	24.23 44,271	25.18 46,008
12	21.79 39,809	22.64 41,370	23.53 42,993	24.46 44,680	25.41 46,433	26.41 48,255	27.45 50,148
13	23.75 43,391	24.68 45,094	25.65 46,863	26.66 48,701	27.70 50,612	28.79 52,598	29.92 54,662
14	25.89 47,297	26.90 49,152	27.96 51,080	29.06 53,084	30.20 55,167	31.38 57,332	32.61 59,581
15	28.22 51,533	29.32 53,576	30.47 55,678	31.67 57,862	32.91 60,132	34.20 62,492	35.55 64,944
16	30.76 56,193	31.96 58,398	33.22 60,689	34.52 63,069	35.88 65,544	37.28 68,116	38.75 70,789
17	33.52 61,251	34.84 63,653	36.21 66,151	37.63 68,746	39.10 71,442	40.64 74,247	42.23 77,160

Note: Full-time employees are normally scheduled to work 35 hours per week. Full-time employees who are denoted as normally scheduled to work 40 hours per week are paid for a week's work at 40 times the stated hourly rate. The rate is based on 52.2 weeks per year.

APRIL 6, 1994

NON UNION EMPLOYEES
INDIVIDUALLY RATED - FY95

<u>Library</u>	<u>MINIMUM</u>	<u>STEP 1</u>	<u>STEP 2</u>
● Library Page (Hourly)	\$ 6.18	\$ 6.45	\$ 6.66

Park and Recreation

	<u>MINIMUM</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>MAXIMUM</u>
● Camp Supervisor (Seasonal-Part Time)	\$2,409	\$2,509	\$2,631	\$2,764	\$2,906
● Teen Center Coordinator (Hourly):	\$11.88 - \$17.83				
● Temporary Laborer (Hourly):	\$ 6.64 - \$ 8.10 (Park and Rec. and Highway Depts.)				
● Temporary Snow Removal Equipment Operator (Hourly):	\$ 8.00 - \$10.00				

Atkinson Pool

<u>POSITION</u>	<u>HOURLY RATED SALARY RANGE (PERMANENT PART-TIME & FEE FOR SERVICE)</u>									
● Lifeguard/Pool Receptionist	\$6.50	6.78	7.05	7.33	7.62	7.92	8.23	8.55	8.89	
● Childcare Helper	\$7.05	7.33	7.62	7.92	8.23	8.55	8.89	9.23	9.60	
● Water Safety Ins. Receptionist Supervisor/ WSI Supervisor	\$8.23	8.55	8.89	9.23	9.60	9.98	10.36			

Town Administration

	Min.							Max.
	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>	<u>STEP 7</u>	
● Custodian (Hrly - 40 hrs.)	\$10.47	10.87	11.30	11.75	12.19	12.67	13.19	

Single Rated:

● Veterans' Agent and Director	\$4,023/Year
● Census Taker	\$ 6.11/Hour
● Election Warden	\$ 6.11/Hour
● Election Clerk	\$ 6.11/Hour
● Deputy Election Warden	\$ 6.11/Hour
● Deputy Election Clerk	\$ 6.11/Hour
● Election Officer & Teller	\$ 5.80/Hour
● Plumbing Inspector	Fees

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UNION EMPLOYEES

FIRE DEPARTMENT

	MIN	STEP 1	STEP 2	STEP 3	MAX
Firefighter					
Annual	29,047	29,720	30,409	31,082	31,814
Hourly	13.25	13.56	13.87	14.18	14.51
Firefighter/EMT					
Annual	30,347	31,020	31,709	32,382	33,114
Hourly	13.84	14.15	14.46	14.77	15.10
Lieutenant					
Annual	32,387	33,138	33,906	34,657	35,473
Hourly	14.77	15.11	15.47	15.81	16.18
Lieutenant/EMT					
Annual	33,837	34,587	35,356	36,106	36,922
Hourly	15.43	15.78	16.13	16.47	16.84
Fire Captain					
Annual	36,112	36,949	37,805	38,642	39,552
Hourly	16.47	16.85	17.24	17.63	18.04
Fire Captain/EMT					
Annual	37,728	38,565	39,421	40,258	41,168
Hourly	17.21	17.59	17.98	18.36	18.78

Single Rated:

- Call Firefighter \$123.22/Year \$11.86/Hourly

Other Single Rated:

- Fire Prevention Officer \$700/Year
- Fire Alarm Superintendent 700/Year
- Master Mechanic 700/Year
- Fire Dept. Training Officer 700/Year
- Emerg. Med'l. Tech. Coord. 700/Year
- Fire Alarm Foreman 400/Year

Note: Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 42 hours per week. Overtime pay is calculated by multiplying 1.5 times those hourly rates.

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Police Department

	Hrs/Week	MIN	STEP 1	STEP 2	STEP 3	MAX
Sergeant	37.33					
Hourly		18.52	18.96	19.39	19.83	20.23
Annual		36,095	36,931	37,795	38,645	39,416
Patrolman	37.33					
Hourly		15.43	15.79	16.17	16.53	16.85
Annual		30,078	30,772	31,497	32,206	32,845

Single Rated:

- Matron \$12.06/Hour
- Crime Prevention Officer 700/Year
- Photo/Fingerprint Officer 700/Year
- Juvenile Officer 700/Year
- Safety Officer 700/Year
- Detective 700/Year
- Training Officer 700/Year
- Parking Clerk 700/year
- Mechanic 700/Year
- Fire Arms Instructor 700/Year

Note: Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 37.33 hours per week. Overtime pay is calculated by multiplying 1.5 time these hourly rates.

Sudbury Super. Assoc.

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Library Director	43,952	45,270	46,629	48,027	49,468	50,952
Director of Health	44,981	46,330	47,720	49,152	50,626	52,145
Town Engineer	54,174	55,799	57,473	59,197	60,973	62,803
Supt Parks/Grds Mgmt*	35,189	36,245	37,332	38,452	39,606	40,794
Asst Highway Surveyor	39,712	40,903	42,130	43,394	44,696	46,037
Highway Oper. Asst.	33,535	34,541	35,577	36,644	37,744	38,876
Building Inspector	43,751	45,064	46,416	47,808	49,243	50,720
Supv. of Town Bldgs.#	33,026	34,017	35,038	36,089	37,171	38,287
Assessor/Appraiser	43,753	45,065	46,417	47,810	49,244	50,721
Town Planner	46,621	48,019	49,460	50,944	52,472	54,046
Police Lt./Adm.Asst.	48,486	49,941	51,439	52,982	54,572	56,209
Dir. of Fin./Town Acct.	55,390	57,052	58,763	60,526	62,342	64,212
Treasurer/Collector	45,341	46,701	48,102	49,546	51,032	52,563

* This does not include salary paid by Lincoln-Sudbury Regional School District, if any.

This does not include \$10,440 per year as Wiring Inspector.

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Engineering Department

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
E1 Eng Aide I	20,791	21,416	22,060	22,725	23,407	24,110
E2 Eng Aide II	23,909	24,628	25,366	26,130	26,913	27,721
E3 Eng Aide III	27,497	28,324	29,172	30,047	30,947	31,877
E4 Jr Civil Eng	31,622	32,571	33,545	34,553	35,589	36,656
E5 Civil Eng	35,576	36,642	37,746	38,875	40,041	41,242
E6 Sr Civil Eng	37,726	38,858	40,025	41,225	42,463	43,733
E7 Asst Town Eng	44,373	45,703	47,073	48,486	49,941	51,440

Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 40 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.

Highway Department

	<u>START</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
		After 6 mos.	After 1 yr.	After 2 yrs.	After 3 yrs.	After 4 yrs.	After 5 yrs.
Landfill Supervisor	30,187	31,094	32,026	32,987	33,976	34,996	36,046
Foreman, Hwy	29,594	30,210	30,871	31,487	32,117	32,757	33,739
Foreman, Tree/Cem	29,594	30,210	30,871	31,487	32,117	32,757	33,739
Master Mechanic	13.98	14.45	14.89	15.28	15.67	16.07	16.55
Asst Mechanic	13.36	13.82	14.26	14.66	15.04	15.44	15.91
Hvy Equip Oper	12.55	12.91	13.19	13.62	14.06	14.51	14.95
Tree Surgeon	12.55	12.91	13.19	13.62	14.06	14.51	14.95
Truck or Lt Equip Oper	11.79	12.10	12.43	12.67	12.92	13.19	13.58
Tree Climber	11.79	12.10	12.43	12.67	12.92	13.19	13.58
Hvy Laborer	11.11	11.43	11.69	11.99	12.31	12.63	13.01
Lt. Laborer	10.14	10.42	10.65	10.93	11.21	11.50	11.84
Landfill Monitor	9.48						

Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 40 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.;

or act on anything relative thereto.

Submitted by the Personnel Board

APRIL 6, 1994

Personnel Board Report: The Personnel Board completed a comprehensive salary survey of surrounding and similarly sized towns, in the Spring of 1993. The survey compared Sudbury's salary ranges with those of similar positions in Acton, Concord, Hudson, Lincoln, Marlboro, Needham, Wayland, Wellesley and Weston. The Board found the results of its own survey to be consistent with those of two other surveys it reviewed.

When compared to the salary ranges for all positions on the Classification Plan (salary grid), Sudbury salary ranges are 4.28% higher, on average, than those surveyed.

In considering any adjustment to the salary grid, the Board also noted that the average salary range movements in the towns surveyed during 1993 was 3%, the increase in wages nationally for state and local governments during 1993 was 3%, and economic projections for 1994 are also in the 3% range.

The Board recommends that the salary ranges in the Classification Plan be adjusted upward by 1% except for those positions noted. The Board believes that this recommendation strikes a balance between rewarding Town employees and the need to achieve competitive and equitable pay.

The following are changes in the Classification Plan between FY94 and FY95:

New Positions:

Assistant Town Treasurer & Collector
Accounting Clerk
Park & Recreation Director
Temporary Snow Removal Equipment Operator

Positions Eliminated:

Assistant Town Treasurer
Assistant Town Collector

Change in Status:

Animal Inspector from Single Rated to Contractor
Assistant Dog Officer from Single Rated to Contractor
Aquatic Director from Single Rated to Grade 9
Pool Sec II/Office Supervisor from Single Rated to Grade 6
Aquatic Coordinator from Single Rated to Grade 5

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

The motion under Article 3 was presented to the voters and was **VOTED** by a hand vote.

APRIL 6, 1994

ARTICLE 4. AMEND PERSONNEL BYLAW, ART. XI. 7(3) - PART-TIME VACATION POLICY

To see if the Town will vote to amend Article XI of the Town of Sudbury Bylaws, Personnel Administration Plan, Section 7, Subsection (3), Vacations, sixth paragraph, by deleting the first sentence and substituting the following:

"A regular part-time employee's daily vacation pay shall be equal to the present hourly rate, multiplied by the budget hours worked per week, divided by 5.";

or act on anything relative thereto.

Submitted by the Personnel Board

Brad Brown, Chairman of the Personnel Board *Moved in the words of the article.*

The motion received a second

Personnel Board Report: The current bylaw requires that vacation time for part-time persons be based on actual, rather than budgeted hours worked. This method is not only cumbersome, but results in a multiplicative increase in part-time vacation time as part-time persons replace other part-time persons.

This motion addresses the problem by simplifying the calculation of part-time vacation time, and eliminates the multiplicative increase in vacation.

Board of Selectmen : Recommended approval.

The motion under Article 4 was placed before the voters and was VOTED by a hand vote.

APRIL 6, 1994

ARTICLE 5. AMEND PERSONNEL BYLAW, ART. XI.7(2) - SICK LEAVE BANK (Consent Calendar)

To see if the Town will vote to:

A. Amend Article XI.7(2), eighth paragraph, by inserting the words, "in each fiscal year" in the fifth sentence after the word "granted", so that the sentence reads: "The maximum number of bank days any employee may be granted in each fiscal year is twelve (12) times the number of years of his service.";
and

B. Amend Article XI.7(2), eighth paragraph, by deleting therefrom the sixth sentence which reads: "Although employees to be eligible are required to deposit three (3) days per year, the total number of days available in the bank shall not exceed seven hundred twenty (720) days.";

or act on anything relative thereto.

Submitted by the Personnel Board

Personnel Board Report: This article clarifies the language of the Employee Sick Leave Bank, limiting usage to twelve (12) days per fiscal year of service. Further the article removes the cap of 720 days which has inadvertently prevented new employees from joining the Sick Bank.

Board of Selectmen: Recommended approval.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

APRIL 6, 1994

ARTICLE 6. ACCEPT M.G.L. C. 71, S.83 OF THE ACTS OF 1993 - TEACHERS' RETIREMENT INCENTIVE

To see if the Town will vote to accept the provisions of Section 83, of Chapter 71, of the Acts and Resolves of 1993, Teachers' Early Retirement Incentive, allowing Sudbury School Department teachers (K-8) to apply for early retirement; or act on anything relative thereto.

Submitted by the Sudbury School Committee

H. DeRusha, Superintendent of Schools, *Moved* to accept the provisions of Section 83 of Chapter 71 of the Acts and Resolves of 1993

- Teachers' Early Retirement Incentive allowing Sudbury School Department teachers K-8 to apply for early retirement.

The motion received a second.

School Committee Report: In June 1993, Governor Weld signed into law the Education Reform Act of 1993. This Act provides for an early retirement incentive for teachers who have worked a minimum of twenty years as a teacher or administrator in the Massachusetts public school system, and have been a contributor to the Massachusetts Teachers' Retirement System for the period that they have taught. The law is allowing up to 2,500 teachers state-wide to be accepted for early retirement during Fiscal Year 1994. If the number of applicants state-wide is in excess of the allowable amount of money the state can pay, then the number of eligible employees will be pro-rated to each town by the state. The program allows up to five years to be added to the employee's age, or years of service, or a combination of both, which will increase the employee's retirement benefit, but the community can limit the number of years to a lower number of years than five. Acceptance of the program for school districts such as Sudbury must include approval by the School Committee, the Board of Selectmen and the Town Meeting. According to two analyses done by the Teachers' Retirement System and by an actuary hired by the Town, the Town can save up to \$36,500 per teacher over a fifteen-year period of time. This savings is accomplished through the hiring of a lower paid teacher to replace the retiring teacher. The Town is obligated to pay one-half (1/2) the difference between what the employee would have received under ordinary retirement, and the incentive retirement. (This has been figured into the \$36,500 savings.) This assumes that the teacher would not have retired any sooner than five years, if no incentive were offered. With the opportunity to save much needed money through early retirement, the Sudbury School Committee requests that the voters of Sudbury support this article.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

The motion under Article 6 was placed before the voters and was **VOTED** by a hand vote.

ARTICLE 7. Not Submitted

APRIL 6, 1994

ARTICLE 8. SUDBURY SCHOOLS - BUS REVOLVING FUND (Consent Calendar)

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2, to authorize a revolving fund for the purpose of providing additional or supplemental school transportation to be funded by user fees collected; or to act on anything relative thereto.

Submitted by the Sudbury School Committee

School Committee Report: Since September of 1991, the School Department has been receiving payments from students to offset the cost of school bus transportation. The amount offset has been shown each year in the Warrant as part of the School Department's budget. Town counsel has informed the School Committee that a separate vote is now necessary to authorize this budget offset. Passage of this article achieves that purpose.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

APRIL 6, 1994

ARTICLE 9. SUDBURY SCHOOLS - MUSIC REVOLVING FUND (Consent Calendar)

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2, to authorize a revolving fund for the purpose of providing additional or supplemental music instruction to be funded by user fees collected; or act on anything relative thereto.

Submitted by the Sudbury School Committee

School Committee Report: Since September of 1991, the School Department has been receiving payments from students to offset the cost of instrumental music instruction. The amount offset has been shown each year in the Warrant as part of the School Department's budget. Town Counsel has informed the School Committee that a separate vote is now necessary to authorize this budget offset. Passage of this article achieves that purpose.

Board of Selectmen Report: Recommended approval

Finance Committee Report: Recommended approval

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

APRIL 6, 1994

ARTICLE 10. GOODNOW LIBRARY REVOLVING FUND (Consent Calendar)

To see if the Town will vote to authorize for Fiscal Year 1995, the use of a Revolving Fund by the Goodnow Library for maintenance and utility charges for the Multipurpose Room, to be funded by all receipts from the room reservation charge policy for non-Town agencies; said fund to be maintained as a separate account, in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2, and expended under the direction of the Trustees of the Goodnow Library; or act on anything relative thereto.

Submitted by the Library Trustees

Goodnow Library Trustees' Report: This fund was approved by Town Meeting each of the last two years. State law requires that this fund be approved by Town Meeting annually. The Revolving Fund provides additional funds for the library's building maintenance budget. Prior to its existence, the maintenance budget often fell short of covering basic repairs and maintenance costs. The library either made requests for emergency transfers to cover these costs, or delayed making needed repairs or initiating preventive maintenance.

Through the first half of Fiscal Year 1994 the fund has generated \$710. The library has spent \$361. A maximum spending level of \$1,400 for Fiscal Year 1995, is proposed.

Board of Selectmen Report: Recommended approval

Finance Committee Report: Recommended approval

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE (Consent Calendar)

APRIL 6, 1994

ARTICLE 11. FY94 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 10 of the 1993 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds; or act on anything relative thereto.

Submitted by the Board of Selectmen

Mr. Fitzgerald, Chairman of the Finance Committee, Moved to amend the votes taken under Article 10 of the 1993 Annual Town Meeting by adding to or deleting from line items thereunder by transfer between or among accounts or by transfer from available funds as follows: from 905-803, Property/Liability Insurance, to 320-901, Police Capital Items, \$60,000; from 950-813, Retirement, to 410-901, Highway - Capital Items, \$30,000; 950-813, Retirement, to 700-901, Park & Recreation Capital Items, \$15,000; and from 950-813, Retirement, to 970-807, Reserve Fund, \$7,000.

The motion received a second.

At this time the Finance Committee Chairman addressed both Article 11 and Article 13, the Budget, saying, FY95 looked like a relatively good year in that spending would be within the Proposition 2-1/2 levy limit and was expected to rise by 1.4 million dollars or 4.6%. The revenue picture had improved also due to significant new construction, additional state aid and the Assessors' release of the Abatement Surplus Funds.

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The Nixon School opening accounted for the largest part of the increase, which is the Town's highest priority, according to Chairman Fitzgerald. The budget would not have any great impact on the Town's physical infrastructure. Eight to ten million dollars of needs or requests remain after the recommended 5.85 million debt exemption. Major items including the highway building, the Flynn Building, the Rogers Theater at the high school, the library, the landfill and a number of smaller capital purchases remain.

Quickly reviewing, he noted the recommended debt exemption involving six of the warrant articles were approved by the FinCom to bring to the Town for the improvement of the Town's infrastructure and the school system. The money will be borrowed over ten years at an estimated 4.75%. The Town should receive substantial reimbursement from the State School Building Assistance Board which will moderate the cost to some extent. The recommended budget will use \$443,000 of the \$433,577 available Free Cash.

Union contracts were not settled nor were they expected to be before Town meeting, therefore a Special Town Meeting will be scheduled to review these later. The Sudbury Education Association Union did provide an acceptable agreement before Town Meeting, however, there was no money available at this Town Meeting for further FY95 appropriation. Article 11 would adjust the 1994 budget to use some year end savings to fund capital items planned in the FY95 budget and the freed-up money would be used to fund the School union contract, if approved by Town Meeting. The year end savings represented basically the additional Free Cash that would be certified after July 1. Should the budget adjustments not be approved, the FinCom would have to recommend FY95 budget cuts of approximately \$105,000. Summarizing, Mr. Fitzgerald noted there was a \$60,000 savings in the Property and Liability Account of last year; the Retirement Fund was recalculated and the Town's assessment was down \$52,000 or approximately 5%. These two amounts totalling \$112,000 would appear as Free Cash on July 1st. Capital items for the Police, Highway and Park & Recreation will be funded now. An increase in the Reserve Fund was being requested from \$100,000 to \$107,000. There was an anticipated unexpended balance of \$13,000 that would be added to Free Cash as well. The Town then would have a small cushion of \$7,000, and if this wasn't spent by the end of the current fiscal year, it too would revert to Free Cash for next year.

Board of Selectmen Report: Recommended approval of Article 11

Norman Burke of Flintlock Lane inquired about the Fire Insurance on the Loring School if it were the same amount (\$2.8 million) this year as last, or had it been reduced? The Chairman of the FinCom deferred the question to the Executive Secretary who said, "I can't quote the exact amount, but if that is what you read in our policy, that is what it is. It is somewhere in that neighborhood. This has no effect on that whatsoever." Asked if the Loring insurance was part of the reduction, the response was "No."

The motion under Article 11 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

APRIL 6, 1994

ARTICLE 12. UNPAID BILLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for the payment of certain unpaid bills incurred in previous fiscal years or which may be legally unenforceable due to the insufficiency of the appropriation in the years in which such bills were incurred; or act on anything relative thereto.

Submitted by the Town Accountant

There being no unpaid bills, Article 12 was **PASSED OVER.**

APRIL 6, 1994

ARTICLE 13. BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums, or any other sum or sums, for any or all Town Expenses and purposes, including debt and interest and out-of-state travel; to fix the salaries and other compensation of all elected officials and to provide for a Reserve Fund, all for the Fiscal Year July 1, 1994 through June 30, 1995, inclusive, in accordance with the following schedule, which is incorporated herein by reference; and to determine whether or not the appropriation for any of the items shall be raised by borrowing; and to further determine that appropriations within departmental budgets under Personal Services, Expenses, Capital Spending, Snow and Ice, Net Sudbury Public Schools, Sudbury Assessment (Schools), Total Debt Service, and Total Unclassified must be expended within those categories unless, in each instance, the Finance Committee grants prior approval; and that automobile mileage allowance rates shall be paid in accordance with Federal Internal Revenue Service mileage allowance regulations; or act on anything relative thereto.

Submitted by the Finance Committee

**TOWN OF SUDBURY
FY95 BUDGET**

Old Line #	New Line #	Expend. FY 92*	Expend. FY 93**	Approp. FY 94	Dept. Request FY 95	Rec FY 95	
	100	EDUCATION					
	SUDBURY PUBLIC SCHOOLS						
	Salaries	7,332,115	7,152,325	8,136,344	9,013,781	8,809,281	
	Expenses	1,578,688	1,607,466	1,935,091	2,096,444	2,081,444	
	Equipment	60,545	52,382	67,000	684,795	426,095	
	Capital Expenditure			142,000			
	SubTot Sudbury Pub. Scls.	8,971,348	8,812,173	10,280,435	11,795,020	11,316,820	
	Offsets, including METCO	100,492	237,328	259,594	238,233	238,233	
110	Net Sudbury Public Scls	8,870,856	8,574,845	10,020,841	11,556,787	11,078,587	
	Insurance/Benefit Costs	1,145,521	1,239,265	1,331,294	1,496,532	1,458,921	
	True Cost S.P.S.	10,116,869	10,051,438	11,611,729	13,291,552	12,775,741	
NOTE: Includes \$229,242 carried forward from FY93 to FY94 and expended. Includes \$325,489 carried forward from FY92 to FY93 and expended.							
130	L-S REGIONAL H.S. Sudbury Assessment	6,367,491	6,539,191	6,942,562	7,482,884	7,341,877	
140	MINUTEMAN VOC. H.S. Sudbury Assessment	357,370	381,446	300,448	313,488	313,488	
	TOTAL 100 BUDGET	15,595,717	15,495,482	17,263,851	19,353,159	18,733,952	
	Offsets: Free Cash	0	0	0	0	0	
	<u>NET 100 BUDGET</u>	<u>15,595,717</u>	<u>15,495,482</u>	<u>17,263,851</u>	<u>19,353,159</u>	<u>18,733,952</u>	

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Old Line #	New Line #	Expend FY 92*	Expend FY 93**	Approp. FY 94	Dept Request FY 95	Fin Com Rec FY95
200	DEBT SERVICE					
-201	Temp. Loan Int.	1,809	21,189	20,000	8,000	8,000
-203	Other Bond Int.	195,081	348,287	366,017	338,603	338,603
-205	Other Bond Princ.	275,000	675,000	765,000	765,000	765,000
-440	Interest Refund	2,151	948	0	0	0
-711	Bond & Note Expense	1,439	584	5,000	3,000	3,000
200	TOTAL DEBT SERVICE	475,480	1,046,008	1,156,017	1,114,603	1,114,603
*#	(Fairbank/COA:P&I)	140,240	134,480	128,720	122,960	122,960
*#	(Nixon/Noyes:P&I)	248,900	733,400	575,400	556,000	556,000
*#	(Fire Station:P&I)	132,960	129,120	225,280	215,040	215,040
*#	(Melone & Unisys:P&I)	0	52,649	216,733	209,603	209,603
	Nixon-Noyes Recap Sheet				26,000	26,000
	Offsets, Carry forwards, etc.	52,019	26,362	15,116	200,222	200,222
	TOTAL Princ & Int	470,081	1,023,287	1,131,017	929,381	929,381
*# Project costs provided for information only and do not necessarily add to the Total Debt Service, due to Carry Forwards, Town Meeting Article appropriations, etc.						
300	PROTECTION					
310	FIRE DEPT					
	Personal Services	1,290,975	1,337,664	1,360,255	1,442,258	1,356,701
	Expenses	76,045	84,987	103,790	111,340	109,590
	Capital Spending	0	0	85,000	36,000	10,000
310	TOTAL	1,367,020	1,422,651	1,549,045	1,589,598	1,476,291
	Offset-Ambulance Fund	25,000	50,000	93,500	30,000	30,000
	Net Budget	1,342,020	1,372,651	1,455,545	1,559,598	1,446,291
320	POLICE DEPT					
	Total Personal Services	1,231,840	1,245,511	1,298,334	1,332,803	1,274,132
	Total Expenses	91,563	90,502	86,273	86,273	86,273
	Total Capital Spending	65,490	15,000	50,000	75,000	60,000
320	TOTAL	1,388,893	1,351,013	1,434,607	1,494,076	1,420,405
340	BUILDING DEPT					
	Personal Services	176,213	189,221	203,535	227,164	228,246
	Expense	121,610	117,531	124,220	122,040	114,040
340	TOTAL	297,823	306,752	327,755	349,204	342,286
	Pool Ent. Fund Revenue	7,948	8,765	9,469	9,840	9,938
350	DOG OFFICER					
	Personal Services	19,768	19,412	500	21,304	21,517
	Expenses	1,153	1,287	20,002	2,100	2,100
350	TOTAL	20,921	20,699	20,502	23,404	23,617
360	CONSERVATION COMMISSION					
	Personal Services	27,503	28,896	37,420	39,213	37,864
	Expenses	2,951	1,904	2,687	8,993	5,493
360	TOTAL	30,454	30,800	40,107	48,206	43,357
	Offset:Wetland Protect.Funds	4,125	4,125	4,125	4,125	4,125
	Net Budget	26,329	26,675	35,982	44,081	39,232
370	BOARD OF APPEALS					
	Personal Services	8,786	10,722	11,000	10,246	10,348
	Expenses	542	316	800	800	800
370	TOTAL	9,328	11,038	11,800	11,046	11,148
	TOTAL 300 BUDGET	3,114,439	3,142,953	3,383,816	3,515,534	3,317,104
	Offsets	29,125	54,125	97,625	34,125	34,125
	NET 300 BUDGET	3,085,314	3,088,828	3,286,191	3,481,409	3,282,979

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Old Line #	New Line #	Expend FY 92*	Expend. FY 93**	Approp. FY 94	Dept Request FY 95	Fin Com Rec FY 95
400	PUBLIC WORKS					
410	HIGHWAY DEPT.					
	Personal Services	565,841	577,630	602,229	597,525	592,129
	Expenses	481,404	483,884	537,766	599,151	556,951
	Capital Spending	70,000	0	65,000	165,000	52,000
	Snow and Ice	100,275	274,680	136,457	138,544	138,544
	TOTAL	1,217,520	1,336,194	1,341,452	1,500,220	1,339,624
	Offset: Cemetery Fund	28,000	11,700	14,000	17,625	17,625
	Offset: ATM82/14, STM86/6	7,317	0	0	0	0
	Offset: ATM 90/24	0	0	23,400	3,918	3,918
	Net Budget	1,182,203	1,324,494	1,304,052	1,478,677	1,318,081
460	LANDFILL ENT. FUND					
	Personal Services	172,578	172,750	142,074	136,077	136,384
	Expenses	125,125	93,453	133,880	152,326	152,326
	Capital Spending	644	8,526	57,350	70,084	70,062
460	TOT DIRECT COST (Approp)	298,347	274,729	333,304	358,487	358,772
	INDIRECT COST:(Not Approp)					
	Engineering Dept. Service	35,334	31,767	34,032	36,038	35,753
	Benefits/Insurance	38,604	38,579	39,475	39,475	39,475
	Total Indirect Cost	73,938	70,346	73,507	75,513	75,228
	TOTAL 460 BUDGET	372,285	345,075	406,811	434,000	434,000
	LANDFILL RECEIPTS	372,285	328,515	406,811	434,000	434,000
	RETAINED EARNINGS		16,560			
	TOTAL 400 BUDGET	1,515,867	1,610,924	1,674,756	1,858,707	1,698,396
	Offsets	35,317	11,700	37,400	21,543	21,543
	NET 400 BUDGET	1,480,550	1,599,224	1,637,356	1,837,164	1,676,853
500	GENERAL GOVERNMENT					
501	SELECTMEN					
	Personal Services	214,761	182,843	199,467	200,419	201,918
	Expenses	8,774	12,088	23,986	17,084	16,834
501	TOTAL	223,535	194,931	223,453	217,503	218,752
502	ENGINEERING DEPT.					
	Personal Services	209,594	195,619	218,679	227,607	220,475
	Expenses	9,289	9,582	9,800	10,000	10,000
	Capital Spending	0	6,000	0	20,000	13,700
502	TOTAL	218,883	211,201	228,479	257,607	244,175
	Landfill Ent. Fund Revenue	35,334	31,767	34,032	36,038	35,753
	Offset: Wetland ATM 87/19	0	0	0	10,000	0
	Net Budget	218,883	211,201	228,479	247,607	244,175

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Old Line #	New Line #	Expend. FY 92*	Expend. FY 93**	Approp. FY 94	Dept Request FY 95	FinCom Rec FY 95
503	LAW					
	Personal Services	27,560	51,909	55,273	56,318	56,882
	Expenses	90,487	55,614	66,384	76,234	76,234
503	TOTAL	118,047	107,523	121,657	132,552	133,116
506	TOWN CLERK & REGISTRARS					
	Personal Services	117,519	121,487	130,217	133,836	133,297
	Expenses	24,792	28,796	17,445	31,165	30,604
506	TOTAL	142,311	150,283	147,662	165,001	163,901
509	MODERATOR					
	Personal Services	0	0	0	0	0
	Expenses	0	0	0	0	0
509	TOTAL	0	0	0	0	0
510	PERMANENT BLDG. COM.					
	Personal Services	652	0	500	500	500
	Expenses	0	0	0	0	0
510	TOTAL	652	0	500	500	500
511	PERSONNEL BOARD					
	Personal Services	3,341	4,205	4,308	4,498	4,543
	Expenses	293	335	485	485	485
511	TOTAL	3,634	4,540	4,793	4,983	5,028
512	PLANNING BOARD					
	Personal Services	39,572	36,654	49,611	54,741	54,335
	Expenses	2,875	2,005	1,600	4,100	1,600
	Capital Items	0	0	0	25,000	0
512	TOTAL	42,447	38,659	51,211	83,841	55,935
513	COM. FOR PRESERV./MANAGEMENT DOCS					
	Expenses	1,578	1,600	1,600	1,600	1,600
513	TOTAL	1,578	1,600	1,600	1,600	1,600
514	HISTORIC DIST. COM.					
	Personal Services	75	75	80	80	80
	Expenses	75	59	85	85	85
514	TOTAL	150	134	165	165	165
515	HISTORICAL COMMISSION					
	Expenses	1,649	1,618	1,600	1,800	1,800
515	TOTAL	1,649	1,618	1,600	1,800	1,800

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Old Line #	New Line #	Expend. FY 92*	Expend. FY 93**	Approp. FY 94	Dept Request FY 95	Fin Com Rec FY 95
516	CABLE TV COMMISSION					
	Expenses	0	355	800	800	800
516	TOTAL	0	355	800	800	800
517	DESIGN REVIEW BOARD					
	Personal Services	1,039	1,486	1,830	1,464	1,479
	Expenses	16	179	200	150	150
517	TOTAL	1,055	1,665	2,030	1,614	1,629
518	COUNCIL ON AGING					
	Personal Services	48,015	49,163	62,322	60,893	61,502
	Expenses	2,662	1,501	4,501	13,080	8,500
518	TOTAL	50,677	50,664	66,823	73,973	70,002
	TOTAL 500 BUDGET	804,618	763,173	850,773	941,939	897,403
	Offsets	0	0	0	10,000	0
	Net 500 Budget	804,618	763,173	850,773	931,939	897,403
560	FINANCE					
561	FINANCE DIRECTOR/ACCOUNTING					
	Personal Services	112,040	118,011	114,826	116,733	117,239
	Expenses	21,900	11,992	25,665	27,474	25,665
	Capital Spending	0	0	18,800	0	0
561	TOTAL	133,940	130,003	159,291	144,207	142,904
563	TREASURER/COLLECTOR					
	Personal Services	111,662	120,359	136,925	147,964	148,963
	Expenses	54,448	54,789	66,400	83,509	80,709
563	TOTAL	166,110	175,148	203,325	238,473	233,172
564	ASSESSORS					
	Personal Services	115,769	118,591	125,209	125,464	126,196
	Expenses	13,415	7,441	31,610	45,680	45,680
	Capital Spending	0	0	0	0	0
564	TOTAL	129,184	126,032	156,819	171,144	171,876
568	FINANCE COMMITTEE					
	Personal Services	6,148	6,216	6,722	9,639	8,080
	Expenses	291	258	260	290	290
568	TOTAL	6,439	6,474	6,982	9,929	8,370
	TOTAL 560 BUDGET	435,673	437,657	526,417	563,753	556,322

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Old Line #	New Line #	Expend. FY 92*	Expend. FY 93**	Approp. FY 94	Dept Request FY 95	FinCom Rec FY 95
600	GOODNOW LIBRARY					
	Personal Services	280,208	292,035	313,536	340,160	329,168
	Expenses	89,246	73,094	91,480	113,360	105,460
600	TOTAL	369,454	365,129	405,016	453,520	434,628
	Offset: Dog Licenses	2,000	7,750	6,454	6,454	6,454
	Net Budget	367,454	357,379	398,562	447,066	428,174
700	PARK AND RECREATION					
	Personal Services	138,103	122,799	156,198	157,385	158,533
	Expenses	33,801	22,950	14,790	14,790	14,790
	Capital Spending	0	0	0	45,000	15,000
700	TOTAL	171,904	145,749	170,988	217,175	188,323
701	POOL ENTERPRISE FUND					
	Personal Services	188,617	172,570	170,188	172,074	172,938
	Expenses	108,263	115,265	112,665	109,410	109,410
	Capital Spending	0	0	8,083	0	0
701	TOT DIRECT COST (Approp)	296,880	287,835	290,936	281,484	282,348
	INDIRECT COST: (Not Approp)					
	Benefits/Insurance	29,580	36,988	33,495	32,572	32,572
	Custodial Services	7,948	8,765	9,469	9,840	9,938
	Total Indirect Cost	37,528	45,753	42,964	42,412	42,510
	TOTAL 701 BUDGET	334,408	333,588	333,900	323,896	324,858
	POOL ENTER. RECEIPTS	289,529	300,469	333,900	323,896	324,858
710	YOUTH COMMISSION					
	Expenses	1,127	810	1,600	1,600	1,600
710	TOTAL	1,127	810	1,600	1,600	1,600
	TOTAL 700 BUDGET	469,911	434,394	463,524	500,259	472,271
800	BOARD OF HEALTH					
	Personal Services	75,456	114,461	120,628	122,957	123,655
	Expenses	110,047	74,691	80,919	95,592	92,500
	Capital Spending	0	0	0	0	0
800	TOTAL	185,503	189,152	201,547	218,549	216,155
900	VETERANS					
	Personal Services	3,613	3,831	3,983	25,617	4,023
	Expenses	9,985	16,804	13,668	17,550	7,800
900	TOTAL	13,598	20,635	17,651	43,167	11,823

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Old Line #	New Line #	Expend. FY 92*	Expend. FY 93**	Approp. FY 94	Dept Request FY 95	FinCom Rec FY 95
950	UNCLASSIFIED					
	EMPLOYEE BENEFITS					
-800	Health Insurance	1,483,774	1,605,536	1,693,000	1,827,163	1,807,142
	Town Share:	660,725	714,945	732,964	732,964	732,964
	Sci Share:	823,049	890,591	960,036	1,094,199	1,074,178
-801	Life Insurance	4,472	4,394	4,600	4,800	4,800
	Town Share:	1,991	1,957	2,408	2,137	2,137
	Sci Share:	2,481	2,437	2,552	2,663	2,663
-813	Retirement Fund	868,889	1,006,344	1,003,000	1,040,584	1,015,659
	Town Share:	686,509	795,112	792,470	798,736	782,934
	Sci Share:	182,380	211,232	210,530	241,848	232,725
-821	Worker's Compensation	156,525	115,778	190,000	188,178	186,957
	Town Share:	105,639	78,139	128,231	121,482	122,314
	Sci Share:	50,886	37,639	61,769	66,696	64,643
-822	FICA/Medicare	82,365	55,144	75,000	80,814	79,946
	Town Share:	36,677	24,556	33,397	33,398	33,398
	Sci Share:	45,688	30,588	41,603	47,416	46,548
-825	Unemploy. Compensation	1,000	70,000	30,000	10,000	0
	Town Share:	445	31,171	13,359	4,453	0
	Sci Share:	555	38,829	16,641	5,547	0
	Total Employee Benefits	2,597,025	2,857,196	2,995,600	3,151,539	3,094,504
	OPERATING EXPENSES					
-510	Equipment	1,430	0	0	0	0
-799	Audit	0	12,000	0	0	0
-803	Property/Liab. Insurance	169,722	117,171	160,000	160,000	160,000
	Town Share:	129,239	89,223	121,836	121,836	121,836
	Sci Share:	40,483	27,948	38,164	38,164	38,164
-804	Print Town Report	5,661	4,688	6,500	6,500	6,500
-805	Memorial	1,180	1,324	1,325	1,425	1,425
-814	Town Meetings	11,650	14,759	17,000	18,500	18,500
-815	Postage	29,993	29,963	30,000	34,000	34,000
-816	Telephone	20,551	24,270	29,000	21,000	21,000
-951	Copying	3,106	3,662	7,500	7,500	7,500
	Total Operating Expenses	243,293	207,837	251,325	248,925	248,925
950	TOTAL UNCLASSIFIED	2,840,318	3,065,033	3,246,925	3,400,463	3,343,429
	(Total Town Related)	1,694,796	1,825,768	1,915,631	1,903,931	1,884,508
	(Total School Related)	1,145,522	1,239,265	1,331,294	1,496,532	1,458,921
	Offset: Free Cash	132,947	361,536	373,714	443,000	443,000
	Offset: Abatement Surplus	175,000	0	179,383	400,000	400,000
	Offset: Stabilization Fund	0	0	0	72,000	72,000
	NET 950 BUDGET	2,532,371	2,703,497	2,693,828	2,485,463	2,428,429
	Pool Ent. Fund Revenue	29,580	36,988	33,495	32,572	32,572
	Landfill Ent. Fund Revenue	38,604	38,579	39,475	39,475	39,475

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Old Line #	New Line #	Expend FY 92*	Expend. FY 93**	Approp. FY 94	Dept Request FY 95	Fin Com Rec FY 95
970	TRANSFER ACCOUNTS ***					
-110	Salary Adjustment Acct.	0	0	0	0	0
-807	Reserve Fund	100,000	100,000	100,000	100,000	100,000
-970	Town Salary Contingency		34,941	36,488	37,885	54,829
-971	Sci Salary Contingency		0	0	0	0
970	TOTAL TRANSFER ACCTS	100,000	134,941	136,488	137,885	154,829
	Offset: Abatement Surplus	0	0	0	0	0
	Offset: Free Cash	0	0	0	0	0
	NET 970 BUDGET	100,000	134,941	136,488	137,885	154,829
	TOT OPERATING BUDGET	25,820,578	26,570,539	29,326,781	32,101,538	30,950,915
	Total Offsets	241,442	73,575	320,862	544,122	534,122
	Free Cash Applied	132,947	361,536	373,714	443,000	443,000
	NET OPERATING BUDGET	25,446,189	26,135,428	28,632,205	31,114,416	29,973,793

* Includes Reserve Fund and Line Item transfers, as well as other financing uses.

** Does not include Reserve Fund and Line Item transfers for FY94 to date.

*** Transfer accounts are appropriated to the 970 account and then transferred to other line items as needed. Thus for FY92 and FY93 this account is not included in the Operating Budget.

First a Limited Motion was placed before the voters to limit the amount of money to be appropriated in the proposed budget. This would preclude the voters from approving a budget in excess of \$30,944,414.

Chairman Fitzgerald of the Finance Committee Moved that the amount appropriated under the Budget not exceed the sum of \$30,944,414.

The motion received a second.

Board of Selectmen Report: The Board took no position on the motion.

The limiting motion was placed before the voters and was **VOTED** by a hand vote.

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Chairman Fitzgerald of the Finance Committee *Moved* that the Town appropriate the sums of money set forth in the Warrant under Article 13 in the column, "FinCom Rec FY 1995" for fiscal year 1995 except as follows: line item 110, Net Sudbury Public Schools, \$11,195,686; line item 563-210, Treasurer-Collector Expense, \$22,874; 410-511, Highway Vehicle Maintenance, \$82,201; line item 320-901 Police Capital items \$0; line item 410-901 Highway Capital items; \$0; line item 700-901, Park & Rec Capital items, \$0. The following items to be raised as designated by transfer from available fund balances and interfund transfers: from Ambulance Reserve for Appropriation Account to line item 310, Fire Personal Services, \$30,000; Wetland Protection Act—from Wetlands Protection Act to 360, Conservation Personal Services, \$4,125; Cemetery Funds to 410 Highway Expenses, \$17,625; from ATM90/24 to 410, Highway, \$3,918; from Dog Licenses to 600, Library Expenses, \$6,454; from Free Cash to 950, Unclassified, \$443,000; from Abatement Surplus to 950 Unclassified \$400,000; from Stabilization Fund to 950 Unclassified, \$72,000; and further that appropriations within departmental budgets under Personal Services, Expenses, Capital Spending, Snow and Ice, Net Sudbury Public Schools, Sudbury Assessment-Schools, Total Debt Service and Total Unclassified must be expended within those categories unless in each instance the Finance Committee grants prior approval; and that automobile mileage allowance rates be paid in accordance with Federal Internal Revenue Service mileage allowance regulations.

The motion received a second.

It was explained \$72,000 from the Stabilization Fund was being recommended, therefore a 2/3rds vote was required.

Sudbury School Committee Report: Recommended approval.

Lincoln-Sudbury Regional High School Report: Recommended approval.

Minuteman Science Technical High School Report: Recommended approval.

Board of Assessors - Chairman Tucker presented an explanation of the following Chart to help voters determine the impact of the various money articles, if approved on their tax bills.

Impact of Town Meeting Spending Articles on your Fiscal 1995 Tax Bill

	Fiscal 1994 Property Assessment										
	\$100,000	\$150,000	\$200,000	\$250,000	\$300,000	\$350,000	\$400,000	\$450,000	\$500,000	\$550,000	\$600,000
Fiscal 1994 Taxes	\$1,615	\$2,423	\$3,230	\$4,038	\$4,845	\$5,653	\$6,460	\$7,268	\$8,075	\$8,883	\$9,690
Article 13 (Budget) (see note 1)	\$37.15	\$55.72	\$74.29	\$92.86	\$111.44	\$130.01	\$148.58	\$167.15	\$185.73	\$204.30	\$222.87
Add'l Expenditures (see note 2)											
\$10,000	\$0.66	\$0.99	\$1.32	\$1.65	\$1.98	\$2.31	\$2.64	\$2.97	\$3.30	\$3.63	\$3.96
\$20,000	\$1.32	\$1.98	\$2.64	\$3.30	\$3.96	\$4.62	\$5.28	\$5.94	\$6.60	\$7.26	\$7.92
\$30,000	\$1.98	\$2.97	\$3.96	\$4.95	\$5.94	\$6.93	\$7.92	\$8.91	\$9.90	\$10.89	\$11.88
\$40,000	\$2.64	\$3.96	\$5.28	\$6.60	\$7.92	\$9.24	\$10.56	\$11.88	\$13.20	\$14.52	\$15.84
\$50,000	\$3.30	\$4.95	\$6.60	\$8.25	\$9.90	\$11.55	\$13.20	\$14.85	\$16.50	\$18.15	\$19.80
\$60,000	\$3.96	\$5.94	\$7.92	\$9.90	\$11.88	\$13.86	\$15.84	\$17.82	\$19.80	\$21.78	\$23.76
\$70,000	\$4.62	\$6.93	\$9.24	\$11.55	\$13.86	\$16.17	\$18.48	\$20.79	\$23.10	\$25.41	\$27.72
\$80,000	\$5.28	\$7.92	\$10.56	\$13.20	\$15.84	\$18.48	\$21.12	\$23.76	\$26.40	\$29.04	\$31.68
\$90,000	\$5.94	\$8.91	\$11.88	\$14.85	\$17.82	\$20.79	\$23.76	\$26.73	\$29.70	\$32.67	\$35.64
\$100,000	\$6.60	\$9.90	\$13.20	\$16.50	\$19.80	\$23.10	\$26.40	\$29.70	\$33.00	\$36.30	\$39.60
\$150,000	\$9.90	\$14.85	\$19.80	\$24.75	\$29.70	\$34.65	\$39.60	\$44.55	\$49.50	\$54.45	\$59.40
\$200,000	\$13.20	\$19.80	\$26.40	\$33.00	\$39.60	\$46.20	\$52.80	\$59.40	\$66.00	\$72.60	\$79.20
\$250,000	\$16.50	\$24.75	\$33.00	\$41.25	\$49.50	\$57.75	\$66.00	\$74.25	\$82.50	\$90.75	\$99.00
\$300,000	\$19.80	\$29.70	\$39.60	\$49.50	\$59.40	\$69.30	\$79.20	\$89.10	\$99.00	\$108.90	\$118.80
\$350,000	\$23.10	\$34.65	\$46.20	\$57.75	\$69.30	\$80.85	\$92.40	\$103.95	\$115.50	\$127.05	\$138.60
\$400,000	\$26.40	\$39.60	\$52.80	\$66.00	\$79.20	\$92.40	\$105.60	\$118.80	\$132.00	\$145.20	\$158.40

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Note 1:

If the Budget article is approved by Town Meeting, the amount shown is the increase in taxes from fiscal 1994 to fiscal 1995.

Note 2:

The effect on tax bills for any other articles financed by the tax rate are shown under additional expenditures. For bonded articles which require a debt exemption, the amount shown will be spread over multiple years, in contrast to an override which is paid in a single year.

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There being no motions to amend, the main motion under Article 13 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

ARTICLE 14 - TRANSFER EXCESS SCHOOL BUILDING - FAIRBANK SCHOOL

To see if the Town will vote to transfer the care, custody, management and control of the Fairbank School from the Sudbury School Committee to the Board of Selectmen for Town and School offices, and other civic purposes, and to affirm the vote taken under Article 1 of the June 15, 1981 Special Town Meeting; or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectman Cope *Moved* to transfer the care, custody, management and control of the Fairbanks School from the Sudbury School Committee to the Board of Selectmen for Town and School offices and other civic purposes and to affirm the vote taken under Article 1 of the June 15th, 1981, Special Town Meeting.

The motion received a second.

Board of Selectmen Report: In 1981 the Sudbury School Committee voted that this building was not needed for school purposes and should be transferred to the Board of Selectmen as the one single authority to coordinate and negotiate its use for office and civic purposes. However, as the Town is unable to verify the count of the vote of the June 15, 1981 Special Town Meeting, this article is to reaffirm same by means of a two-thirds vote. The Board of Selectmen supports this article.

Finance Committee Report: Recommended approval

H. Tober of Ames Road, *Moved* to delete the following words, "civic purposes", and replace the comma with a period.

The motion received a second.

There was considerable confusion as to what a two-thirds vote on the main motion or the amended main motion would be affirming. Town Counsel, Paul Kenny opined the following: "When we affirm the vote of the Town Meeting in 1981, if the vote today is a two-thirds or unanimous vote, that is the vote that will be attributed to the vote in 1981, you will not be affirming a majority vote then. The problem here is that there is a technicality that there is a presumption when it is not called as two-thirds or unanimous that it is not two-thirds and it is only a majority. It does not mean that it was not, in fact, two-thirds or unanimous. She doesn't understand that. Maybe I can clarify that."

He further explained, "The presumption is that the vote was not a two-thirds or unanimous vote. It does not mean that the vote wasn't two-thirds or unanimous. It just means that as a technical matter you cannot call it two-thirds or unanimous because it was announced as passed. In order to be called two-thirds or unanimous, it must be announced as that. If it is unanimous, it is only announced as passed. Then there is no presumption---or the presumption is that it wasn't unanimous even though it was. Does that help?"

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The Moderator requested a motion for the question. Then he remarked the question is on the motion to amend and then started to present the motion to amend to the voters when additional questions came from the floor on both the main motion as well as the motion to amend.

A motion was received to Move the question. No second was received. The Moderator declared it was a clear two-thirds.

The motion to amend was presented to the voters and was defeated by a hand vote.

Edythe Covitt of Maynard Road Moved that Article 14 read to affirm the vote taken under Article 1 of June 15th, 1981, Town Meeting which transferred the care, custody, management and control of the Fairbanks School from the Sudbury School Committee to the Board of Selectmen for Town and School offices and other civic purposes.

The motion received a second.

Believing this motion to amend was not proper, Town Counsel, Paul Kenny opined: "The motion was drafted the way it was in order to obtain a two-thirds vote to effectuate the transfer. The request to affirm the vote taken before was to make sure--the original article transferred four or five schools at the same time. Some of them have had contracts. Some of them have had leases. Some of them have been sold, and the ones that were sold, there may be a cloud on the titles. So the reason for the affirmation was to affirm the act taken by a prior Town Meeting so that if there is a cloud, that cloud is--has been removed and any contracts that have been entered into by the Selectmen if it were to raise a question, that question will be removed. That is the reason for the affirmation at the end.

The Moderator added, "I want to make sure you understand. In short, the vote that is involved did more than simply transfer this school." To this Kenny said, "That is correct."

R. Coe of Churchill Street inquired if the next article called for the same kind of transfer. If the voters affirm the 1981 vote, would that have the effect of making the next part mute because the Loring School would come along with the Fairbanks School and is transferred to the Board of Selectmen?

Town Counsel, Kenny, opined, "I would say that the last--that the motion to amend this article would be appropriate. An on the next article, I would not want to take and rely on the affirmation which we are relying on to clear up clouds on titles to rely on that in the second one. The reason that the affirmation was put in both articles is because you cannot anticipate both articles passing at Town Meeting. It is possible that one article may not have passed and the other article, in fact, did pass.

The Moderator asked if that explanation answered Mr. Coe's question to which he responded, "No". Then the Moderator said, "I didn't think that it did either. I think that the question that he wants to know is if we pass--well, the trouble is Mr. Coe is really directing his question at the main motion not this motion to amend, but we might as well get it out of the way. Assuming that we pass this motion in one form or another that includes the affirmance of that vote, his question is does that mean the next article becomes mute because we have already taken care of the Loring School by affirming the 1981 vote?"

Mr. Kenny responded, "No it does not, Mr. Moderator, because the article has been put in the Warrant and it does require some action to be taken. Potentially it could do that. The reason for the affirmation being to clear some back problems but I would not want to rely upon that clearing the problem for the actual transfer at this time."

Mr. Coe followed this response with a motion to reconsider the vote on the amendment.

The Moderator explained there was an amendment on the floor that needed to be addressed first.

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As the precise Article 1 of June 15, 1981 was not available for the voters to know exactly what they were being asked to affirm, H. Sorett of Longfellow Road, in the interest of clarity, Moved that this matter and the next one be postponed until next Monday night with the request that Article 1 of the June 15th, 1981 Town Meeting be made available on a handout at that time so we know what it is that we are voting on.

Mr. Coe at this time, called for a Point of Order, as he wished to get his motion for reconsideration of Mr. Tober's amendment in the record so he wouldn't have to go through the formal procedure of Reconsideration the next day at the Town Clerk's office.

Mr. Sorett withdrew his motion to postpone and Ms. Cavitt withdrew her motion to amend, with the consent of the Hall.

Mr. Coe then Moved to reconsider the vote taken on Mr. Tober's amendment.

The motion to reconsider received a second.

In explanation of his motion to reconsider, Mr. Coe stated, that when the Hall declined to remove the phrase "civic purposes" and replace a comma with a period, as in Mr. Tober's amendment, the voters were led to believe that there was really no downside to leaving it in, and that if ever there was a question raised with respect to actions the Selectmen had taken since 1981 this dispelled them. When in fact the vote taken in 1981 did more than that and by affirming that vote, the voters now might be doing more than they thought they were doing and possibly, for example, make the Loring School be automatically transferred and make the next article of this Town Meeting mute. He emphasized he was not wanting to remove the phrase "civic purposes" rather he just didn't want to do anything in case it may need to be taken out, after seeing the actual article and motion of the vote of 1981.

Penny Kapin of Barbara Road inquired if both the schools were under the same motion in 1981, what gives the town the legal right now to separate them?

Town Counsel, Paul Kenny responded, "In 1981 the article required---requested that four schools be transferred. The South Annex, the Horse Pond, the Loring and the Fairbanks. That was the total of the article. They were all voted and there was a problem with the way the vote was recorded because of the way it was counted. Then we asked that the Fairbank be voted separately and that the vote under the original article be affirmed. The reasons for that was because the South Annex and the Horse Pond had been sold. There may be a cloud on the title so that these two articles were split up because there was--- there was some question about whether or not the Loring School was going to be sold or what was going to happen to it. So the request that the action taken under the former article be affirmed to clear the title was put under both articles. If the School Committee votes to not transfer or not excess either of---either the Loring or the Fairbanks, then whatever Town Meeting votes doesn't make any difference so the affirmation of the prior vote is basically for the Horse Pond School and the South Annex which was sold to clear title. The affirmation does not make the Fairbanks or the Loring transferred because the School Committee still has the right to say, "No, we don't want to transfer either one of those." If you had them both in the same article, there are different arguments for both and that was recognized. As a matter of fact it is not illegal to split up those articles. You can split them up in any way you want depending on how the Warrant is put on. But the reason for the affirmation was not for the Loring. Was not for the Fairbanks. It was for the two schools that were closed to clear up the title. If, in fact, the Fairbanks didn't pass and the Loring did, then the motion to amend of Mr. Tober's should have been attached to which ever one passed or didn't. If it passes on this one, the affirmation motion will not be necessary on the Loring School.

To this Ms. Kapin remarked maybe this should be postponed until Monday night so everyone can have an informed vote and a clearer understanding of what they are voting on by having the actual wording of the 1981 article.

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There was a motion to Move the question. The Moderator declared there was a clear two-thirds in favor of terminating debate on the motion to reconsider.

The motion to reconsider was placed before the voters and it was defeated by a hand vote.

The Moderator then requested someone place on the floor a motion to "*substitute to affirm the vote taken under Article 1 of the June 15th, 1981, Special Town Meeting in so far as said vote pertained to the South Annex, the Horse Pond School and the Fairbank School*".

Voices from the Hall called out "*So Moved*", and the motion was seconded. Selectmen Blacker expressed confusion as to what the actual motion was. He inquired, "Does the motion include the words, 'move to transfer the care, custody, management, control of the Fairbank School from the Sudbury School Committee to the Board of Selectmen for the Town purposes blah, blah, blah, Special Town Meeting as it relates to Fairbanks School, South Annex and Horse Pond School.?" The Moderator inquired of Mrs. Coe if that was her intention to which she agreed.

The Moderator stated that the best way to put it is that the motion would be amending the motion on the floor by adding thereto, "in so far as it pertains to the Fairbanks School, the South Annex and the Horse Pond School".

The motion to amend was placed before the voters and it was **VOTED** by a hand vote.

The Moderator clearly indicated a 2/3rds vote was required on the amended main motion.

The amended main motion under Article 14 was presented to the voters and it was declared a **UNANIMOUS VOTE** by a hand vote.

It being 10:35 p.m., the meeting was adjourned until Monday, April 11th at 7:30 p.m.

Attendance: 226

ADJOURNED ANNUAL TOWN MEETING

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Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1994, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Monday, April 11, 1994, for the fourth session of the Annual Town Meeting.

The meeting was called to order at 7:30 p.m. when the Moderator declared a quorum was present.

The first order of business was Article 15.

{The complete discussion and debate under all Warrant articles are available at the Town Clerk's office.}

ARTICLE 15. TRANSFER EXCESS SCHOOL BUILDING - ISRAEL LORING SCHOOL

To see if the Town will vote to transfer the care, custody, management and control of the Israel Loring School from the Sudbury School Committee to the Board of Selectmen for civic purposes, and to affirm the vote taken under Article 1 of the June 15, 1981 Special Town Meeting, or act on anything relative thereto.

Submitted by the Board of Selectmen.

Selectmen Cope, *Moved to transfer the care and custody, management and control of the Israel Loring School from the Sudbury School Committee to the Board of Selectmen for civic purposes.*

The motion received a second.

Board of Selectmen Report: In 1981 the Sudbury School Committee voted that this building was not needed for school purposes and should be transferred to the Board of Selectmen as the one single authority to coordinate and negotiate its use for civic purposes. However, as the Town is unable to verify the count of the vote of the June 15, 1981 Special Town Meeting, this article is to reaffirm same by means of a two-thirds vote. The Board of Selectmen supports this article.

Finance Committee Report: Recommended approval.

H. Tober of Ames Road, *Moved to Indefinitely Postpone consideration of Article 15.*

The motion received a second.

Mr. Tober's explanation for the motion was his belief the Loring School should be kept out of the hands of the Board of Selectmen as it appeared this entire matter was being considered much too quickly and by some particular interest group who was using the Temple B'nai Torah as a "straw".

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Mr. Brond of Mark Tree Lane asked for clarification by Town Counsel, - Should the School Committee keep possession of the Loring School, it would not have the authority to lease out the building, but would only be able to use it as a school. Town Counsel, Paul Kenny replied, "The answer is in the affirmative."

Stephanie Cook, Chairman of the School Committee, opposed the motion to Indefinitely Postpone believing the Town was better equipped to administer and maintain the Loring School.

Jean Corcoran, of Kay Street, informed the hall that the School Committees of four of the neighboring towns, Concord, Wayland, Natick and Watertown were presently subleasing their extra school space temporarily - for which she had copies of the leases in hand at this meeting. She then asked, if it is legal in these towns, where does this power come from to do so?

Town Counsel, Paul Kenny, opined, "The General Laws require that any leases for Town buildings be entered into by the Board of Selectmen. It is Chapter 40, Section 3. If the other towns have done this, then it is my opinion they have not done so within the law. If in fact, those schools, or portions of those schools are being utilized by other schools or other school systems, they are still being used for educational purposes and that would be the only difference where the School Committee could allow utilization of the schools." To this Ms. Corcoran added, "Not in all these cases, Mr. Kenny."

Ralph Tyler of Deacon Lane inquired what recourse the voters have if it is subsequently found that School Committees do have the legal right to sublease excess school space, and the voters have made their decision based upon the legal advice of Mr. Kenny. The Moderator responded that should the School be transferred to the Selectmen, obviously certain rights would be cut off at that time.

There was a call to Move the Question. The Moderator stated he didn't think there was a need for the call, as nobody wanted to speak.

The motion to Indefinitely Postpone was placed before the voters and it failed by a hand vote.

Before debate on the main motion began, Town Counsel affirmed that Article 15 did not give the Board of Selectmen the right to sell the Loring School.

Ray Middleton of Woodside Road stood in opposition to Article 15 and presented the following information in support of his position. He opened his remarks by saying, "A wrong decision now could very well mean millions of dollars in unnecessary tax expenditures later." He first noted the Sudbury School Chairman's remarks of the previous week which stressed the rapidly rising population in Sudbury's schools, increasing faster than the surrounding towns. Between FY88 and FY92 there had been a 29.1% increase. Mr. Middleton pointed out enrollment figures are cyclical in that they rise and dip as a function of time and population. Reviewing past predictions and presenting current information, Mr. Middleton stated the Town might very well be at full and even tight capacity in two or three years which is the situation presently forcing the proposed Nixon addition. To transfer the Loring School to the Selectmen for their avowed intentions would mean the loss of the school for future use. He pointed out to the hall the only alternatives available should enrollment continue to increase and full capacity is reached in a few years would be 1) Purchase of land, costing approximately 1-2 million dollars as schools require large parcels of land, not 1 or 2 acres; 2) Cost of constructing a new school on that land; or 3) Construct more additional space at the Nixon site, create a megalith of possibly 1,000 students.

Mr. Middleton urged the defeat of Article 15 as a prudent course of action as it would keep the control of Loring under the School Committee. He reviewed the dynamics of the town which are forcing the increase in enrollment--the 60 years of

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age and older residents continue to increase. With retirement, it is reasonable to anticipate more and more of these residents will sell their homes to young families with high birth rates. This fact was evidenced in his neighborhood where five or six homes, sold in the previous six months, now have an average of two children/household where there had been none. Immediately adjacent to the Loring School 23 houses are under construction, while another 18 acres of buildable land are across the street from Loring.

Though Town Council opined earlier in the discussion school committees, under the law, are not permitted to lease school property under their jurisdiction, Mr. Middleton noted the Locust School in Wayland was leased by the School Committee to an Art Center for the past 10 years. Wayland School Committee kept the school rather than dispose of it which turned out to be a very wise move as they recently opened it and are now using it again as a school. Some Sudbury School Committee members agreed it would be wise to retain the Loring property for the future but they were concerned about having the manpower, resources and where-with-all to administer the property. Mr. Middleton suggested a small percentage of the rental income could be used to hire a professional property manager who could handle all the details without excessive School Committee involvement. In closing, Mr. Middleton reminded the voters to be aware of the Selectmen's avowed purpose to sell the property, thus making it unavailable for future school needs. School expenditures represent the largest costs to the Town. Therefore, he suggested there should be a contingency plan that retains this property for the benefit of the entire Town, and prevent the need to repurchase and rebuild that for which we have already paid. He urged the defeat of Article 15.

To clarify a comment regarding any liability the Town may have had over the past fourteen years, Paul Kenny, Town Counsel opined as follows: "Mr. Moderator, the point is that now that we know that there is a problem, we have to correct the problem. The law says that the only one that can lease the schools are the Board of Selectmen. And if we are going to be in compliance with the law, then that is what we should do. If, in fact, the Town Meeting does not choose to transfer the schools to the Board of Selectmen for the civic purposes, then the Board of Selectmen is going to have to make a decision whether or not they have the authority--they should release it and it is still under the control of the School Committee. The question, as I understand it, are we going to--something--are we going to be liable, for example, for doing something at the Fairbanks School? Probably not, there is nobody to complain. The point is that in the future are we going to do things the right way or are we not. That is the purpose of the article. The--when the original article was passed, I was here. It was an unanimous decision but because of a technicality, it has to come before the Town Meeting again."

Robert Coe of Churchill Street inquired of Town Counsel if it was possible for the Selectmen to enter into a lease agreement if the nominal control of the property still remains with the School Committee assuming the School Committee approves the lease and allows the Selectmen to enter into the agreement?

Mr. Kenny responded, "Theoretically, Mr. Moderator, the answer is 'Yes', so long as it is not in actual use as a school house."

Stephanie Cook, Chairman of the School Committee, reiterated at this time the position of the School Committee by saying, the current population projections of the Committee do not demonstrate a need for the Loring facility within the next five years. Even if their projections were to be exceeded, the Committee believes expansion should occur at the Nixon School.

Norman Burke of Flintlock Lane pointed out to the hall, that of all the articles to follow, relative to the Loring School, the Board of Selectmen were supportive of just one--the article to sell the Loring School. He also urged defeat of Article 15.

At this time, there was a call to *Move the question*. The motion was presented to the voters and the Chair declared there was a two-thirds vote by a hand vote and debate was terminated.

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The Moderator informed the voters a two-thirds vote was required for the passage of the main motion under Article 15.

The main motion under Article 15 was presented to the voters.

The Moderator stated there was a clear two-thirds vote in favor, by a hand vote. However, he decided to call the vote one more time asking those who voted in the negative, if they could see their way clear to abstain, then he could call the vote a unanimous one and avoid a count of the Hall.

Once again the motion was presented to the voters but there remained many who voted in the negative, therefore a counted vote was in order.

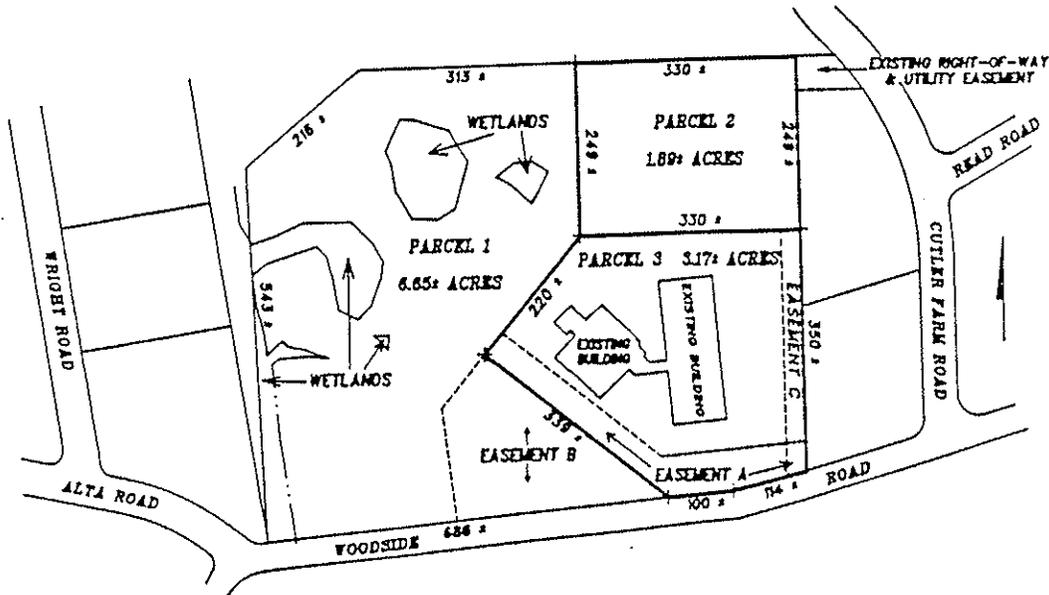
Total number of voters -- 429.

The required two-thirds vote for the motion under Article 15 to pass -- 286.

Counted vote:

YES: 328 NO: 101

The Moderator declared the vote to be over two-thirds and the motion under Article 15 was **VOTED** by a hand vote.



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ARTICLE 16. TRANSFER LORING SCHOOL FOR PURPOSE OF SALE

To see if the Town will vote to transfer the care, custody, management and control of the Israel Loring School from the Board of Selectmen to the Selectmen, for the purpose of selling the school building and a portion of the land containing 3.17 acres more or less, or act on anything relative thereto.

Submitted by the Board of Selectmen

Before a motion was presented under Article 16, the Moderator stated he would permit discussion for Articles 16 through 20 under the motion to be presented for Article 16. In addition, he would not cut off further discussion, as the other articles were considered, as a vote may have to be taken on each of them. It seemed to him it made sense discussing all the options together that would be offered under Articles 16 - 20.

Selectmen Cope *Moved to transfer the care, custody, management and control of the Israel Loring School from the Board of Selectmen to the Selectmen, for the purpose of selling the school building and a portion of the land containing 3.17 acres more or less.*

The motion received a second.

Board of Selectmen Report: To the many purposes for which the Board of Selectmen would be given custody of the Loring School, Article 16 would add one more, to "sell" the school. Approval of Article 16 as well as Article 17 would be required for the Town to sell the Loring School. Recommended approval.

Selectman Cope gave a brief history of the Loring School and town meeting action involved with its disposition over the past twelve years. Though the building and the 11.71 acre parcel of land had an assessment of a little over a million dollars, consideration had been given over the years to demolishing it, conveying the School and a portion of the land, locating L-S West there, renting it to Sudbury Community Arts Center, then finally leasing it in 1984 to Temple B'nai Torah, who over the last 10 years has sublet space to the SCAC and other organizations.

According to Selectmen Cope, instead of the property improving in market value over time, it has been devalued, due to lack of repairs. Selectman Cope remarked repairs were high and the economy was poor. In 1990 a new ten year lease was renegotiated with escalating rents, whereby the Temple was to pay utilities, maintenance and custodial costs—no major items over \$1,500 or those involving building code. The costs for the type of repairs for which the Temple could contract, were deducted from their rent as offsets. Fifteen percent (15%) of the rents went to the Town. Due to the lack of maintenance, major roof repairs, boiler meltdown, etc. the value of the property went from \$1,429,004 in January of 1992 to \$574,800 in February of 1994 according to Dan Loughlin of the Assessor's office.

Ms. Cope suggested the demolition of the building at an estimated cost of \$150,000 and the cost of \$45,000 to prepare the 3.17 parcel for a sub-division, could net the town approximately \$155,000. Whereas there would be estimated annual maintenance costs to the Town of approximately \$15,000 to \$25,000 if the building is continued to be used as it is now. These costs would not include utilities and upkeep by the lessee. The Board of Selectmen urged the voters to authorize it to enter into a public bidding process to sell the Loring parcel, if an offer is made that is acceptable.

Finance Committee Report: Recommended approval.

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Considerable discussion followed in opposition to the recommendations of the Board of Selectmen and the Finance Committee.

One speaker, a current tenant, explained that she would like to provide a bigger picture of what is happening at Loring from those that are inside the building. She noted that most of the information put out in the newspaper really painted a picture of an empty building that is pretty desolate and appeared mothballed, when in reality it is full of life and a great deal of activity is on going there all the time, servicing about 200 families.

Richard Eckler of Woodside Road, *Moved to amend the main motion by striking the words, "the purpose of selling the school building and a portion of the land containing 3.17 acres, more or less" and replacing them with the words, "future Town needs, either for educational or other civic purposes."*

The motion received a second.

A point of order was called by L. Blacker, inquiring if the motion in effect would be a motion for reconsideration since the prior article does exactly what the motion purports to do? The Moderator replied in the negative stating the motion that passed under Article 15 transferred this property to the Selectmen from the School Committee for civic purposes. What this voter wishes to do is restrict the civic purposes, which is not reconsideration.

Mr. Eckler viewed the selling of the Loring School building as short sightedness on the part of the Town, given much of the information presented this evening. He expressed his disapproval of having his children sent to a "giant one thousand user elementary school, even if it is a dual campus". He closed his remarks by saying, "I am not sending my children to a college."

Martin Greenstein of Brookdale Road inquired if the motion to amend would prevent anyone from selling the building?

The Moderator, rephrasing the question to Town Counsel, asked, "If the motion to amend passes, would it preclude the sale, at least pending further Town Meeting action?" Town Counsel replied "Yes, it would."

J. Ryan, member of the Finance Committee, questioned the need for the motion to amend, since the only reason to transfer the school to the Board of Selectmen is for its sale, as the Board already controls it for civic purposes.

The Moderator explained that should the "sale" article lose, there would be other matters the voters could act on. Mr. Ryan insisted the vote under the prior article gave the Board of Selectmen the same authority the motion to amend would.

The Moderator stated the motion to amend was being made, according to Town Counsel, for the purpose of blocking the sale. If the motion to amend passes, any attempt to take up the sale of Loring would be a motion for reconsideration of the motion. The Moderator did not regard the motion to amend a reconsideration of the prior article as it was for the purpose of restricting what the Selectmen can do with the Loring School, now that they have it. Mr. Ryan expressed his concern that the passing of the motion to amend would in effect not only block the sale but also block the subsequent motions regarding demolition and boarding up of Loring.

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A Point of Order was sought by H. Sorett in that the motion was beyond the four corners of the article, which the Moderator denied and overruled the Point of Order.

The motion to amend was presented to the voters and it was defeated by a hand vote.

Back on the main motion under Article 16, Norman Burke of Flintlock Lane brought forth his concern as to why 3.17 acres were removed from the total 11 + acres. As a result, the remaining acreage would not be worth much of anything to the Town, with the exception of the ballfield, or to any potential developer. For those not familiar with the area, he noted there were two other ballfields up the road within a mile on the same street. He then expressed his curiosity as to why the town wasn't placing the whole parcel up for sale and making the best use of the land.

He offered a study completed by the Town Engineering Department within the past couple of weeks, which showed the 3.17 acres divided into two lots and the Town, after the Loring demolition, would realize possibly \$125,000 or \$185,000. Mr. Burke noted that what wasn't made known to the general public was the second Town Engineer plan showing this acreage could be divided into three lots and the Town could realize a possible net gain of \$262,500. A third study showed an even greater value could be attained if the entire 11 acre property was divided into eight lots at \$160,000 apiece, whereby the Town could realize the true value of the land at over a million dollars. He asked the question as to why the Selectmen didn't put the entire parcel up for sale so a developer could look at the whole parcel, consider the best use of all the acreage and then bid on it. Mr. Burke pointed out no developer would want 3.17 acres with a building on it to be demolished as his expense. He recommended Article 16 be defeated and in the future, maybe five years or so down the road, after it was clear the Town had no use for the land, bring a similar article forward to sell the full acreage and realize the full potential benefit for the Town.

Donald Oasis of Willis Road Moved the question.

The Moderator inquired of the hall if anyone had not made up his/her mind. There were a few. He then asked how many wanted to speak. Whereupon, he informed Mr. Oasis "This is an important one to a lot of people. I don't think that it is in order to take the motion for the question yet on this one. I saw three people hold up their hands. When they are through, if somebody wants to make the motion, I'll give it another go."

The next person who spoke to the main motion was Larry Hammel, the founder and president of the Sudbury Community Arts Center, who spoke on behalf of many of the tenants at Loring as well as the SCAC. Looking at the Loring building, he considered it a "valuable community asset", one he hoped would continue and the best way for that to happen would be to sell the 3.17 acres and the building. It was his contention to sell the property would not cost the Town, however, to keep the property under any circumstances would cost the Town a tremendous amount of money. Based on reports he had been given, repairs would be in the area of more than \$200,000, closer to \$800,000 or a million dollars to make the building a safe, usable and operable one. It was Mr. Hammel's belief the town should move forward, eliminate any potential liabilities, and take this opportunity to support the present tenants by giving them the opportunity to purchase the 3.17 acres and the building.

Considerable discussion and debate followed both in support and defeat of the sale of the Loring School and land. One voter expressed her distress that a plan prepared by the Town Engineer showing a net gain of over a million dollars to the Town had not been presented to the voters for consideration or given adequate discussion this evening.

Once again, the Moderator received a motion to Move the Question

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It received a second.

As the motion was presented to the voters for a vote, there was a *Point of Order* called by Norman Burke of Flintlock Lane. The Moderator stated Mr. Burke was out of order and continued with the vote.

Mr. Burke stated he had requested "previous recognition on Article 20" before the meeting. When he presented his views on Article 16, he noted he would reserve his time to speak on Article 20. As the discussion, following Article 15, was to cover Articles 16 through 20, he wished to speak to Article 20 at this time.

The Moderator took exception to this request and started to say, "You have had..." then he stated, "We are going to take up Article 20 in due course if it is not passed over." However, Mr. Burke reminded the Moderator it had been agreed to discuss all articles together. Should the vote on Article 16 be approved, Article 20 would not be heard.

The Moderator agreed and permitted Mr. Burke to speak to Article 20.

Mr. Burke presented background information on the rental situation of the Loring School. In 1990, the Town entered into a lease with the primary tenant, Temple B'nai Torah for use of the Loring School. The primary tenant sublet to other tenants, who in turn sublet to others. Temple B'nai Torah was to pay the Town their rent plus 15% of the rents from the subtenants. As the Town did not make monies as allocated to pay for repairs to the building, it was agreed, the Temple would make repairs as approved by the Town and deduct the cost from their monthly rent, as rental offsets. The cost of minor repairs, \$1,500 or less, would be borne by all the tenants. Mr. Burke showed the Hall the rent schedule agreements from Q1, FY'91 to Q3, FY'94, which indicated rents that should have been collected, had the roof and heat not presented such problems. Looking at the totals, Mr. Burke noted all parties concerned would have benefited from the agreement. However, what actually happened was the subtenants withheld their rent since July 1993, which is why the actual rent total was \$186,900 instead of \$292,000. The prime tenant, the Temple, has paid for repairs and been deducting the cost from the rent, referred to as "rental offsets", amounting to over \$66,000. Ninety percent (90%) of this amount was spent on patching and repairing the leaky roof and steam pipes in the classrooms. Though previous speakers this evening spoke of the deplorable conditions and the need to completely renovate the Loring Building to make it habitable, Mr. Burke denied those statements, as one who had taken the time to examine the building and found it to be a real Town asset. He spoke of an existing proposal which would repair the Loring building, specifically limited to the roof, steam pipes and electrical needs, since 94% of the \$66,000 had been expended in these areas, over the last four years. With this current proposal, the operating costs would be the same as what the current tenants are paying. Average rental costs per square foot for comparable space in surrounding towns is \$6.75, while tenants at Loring would continue to pay rent at below fair market value. Mr. Burke remarked it remains the desire of the Town to have the building occupied and have tenants there, while the building is being held for future use down the road. Having completed some extensive research, Mr. Burke was able to provide detailed cost figures for those three vital areas of concern: the pitched roof with the flat section, \$124,000; the electrical replacing equipment and power feeders \$30,000 (this information came from the SMA Report) and the heating, condensate return piping and the piping insulation \$35,000. There would be a five-year repair payment plan involving three tenants. Rental fees would go up very slightly, less than 15%. Receipts would be \$425,700; the average operating costs would be based on what the costs are today --\$196,000. Maintenance would be \$7,500 as the big maintenance piece (roof, electrical and heat repair) would have been taken out of it. Debt service, if the money were borrowed at 5.0%, would be \$215,000, for a total of \$418,900. The repairs could be completed this summer without any cost to the Town. He urged the voters not to sell the building, but to wait, vote on Article 20, get the repairs done and fully utilize the building as it was intended.

Once again, there was a call to Move the Question.

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Mr. Coe of Churchill Street called for a *Point of Order*, asking why people who want to move the question, shouldn't seek recognition like anybody else.

The Moderator explained it was the tradition of the Town and he was not going to break it for this debate.

The motion on the question received a second.

The motion was placed before the voters and the Moderator declared the motion did not command a two-thirds vote of the house. The motion to terminate debate failed by a hand vote.

R. Coe of Churchill Street in response to Mr. Hammel's comment earlier, asked for an explanation of how the sale of the Loring School, if it isn't a done deal, could possibly be to the benefit of the tenants of the building? Certainly anyone can bid on the building and a developer could buy it. How do we know it is in the best interest of the tenants for the sale to go through? Though Mr. Coe stated his questions were not rhetorical, the Moderator stated otherwise.

Speaker after speaker followed, most of whom spoke against selling the Loring School for one of many reasons.

Erick Deutsch, President of Congregation B'nai Torah, and one of the primary Loring tenants, urged the voters to take action. The issue today, he said, is the same as it was four years ago. He remarked, "Sell the building to the Temple or someone else, mothball the building or continue to stumble along with the ever present threat of a catastrophe." He remarked any option which expects there will be money coming in through a rental increase, through some minor repairs, was totally unrealistic. He strongly supported the passage of Article 16.

After a few more speakers there was another call to Move the question.

The motion received a second.

The motion to terminate debate was placed before the voters and the Moderator declared it received a two-thirds vote and the motion to terminate the debate was **VOTED** by a hand vote.

The Moderator at this time reminded the Hall should Article 16 be approved, it would not of itself permit the sale of the school. Article 17 must pass as well in order for that to be accomplished.

The Moderator then placed before the voters the main motion under Article 16.

The Moderator was in doubt as to the hand vote and requested a counted vote.

Total number of voters -- 430.

The required two-thirds vote for the main motion under Article 16 to pass -- 287.

Counted vote: YES: 227 NO: 203

The motion under Article 16 was defeated.

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At this time, the Moderator announced the motion having failed, the transfer failed. However, he reminded the Hall, if the Selectmen or anyone else elected to, they could still bring Article 17 forward. The ruling would be the transfer having failed, Article 17 can be brought forward only by reconsideration. It could also be reconsidered tomorrow and the vote reversed by a unanimous vote, which he considered unlikely, or for fifteen voters to file a petition by noon tomorrow with the Town Clerk.

Ivan Lubash of Barbara Road noted there was a similar question last week where reconsideration could be brought up the same night. The Moderator agreed and was willing to take the motion, however he stated it was pretty clear there wasn't a two-thirds vote to be had.

At this time, Norman Burke, of Flintlock Lane, *Moved for reconsideration of Article 16.*

The Moderator stated he thought he understood the reason for Mr. Burke's motion - to defeat reconsideration tonight, thus defeating the possibility of people bringing it back tomorrow night. He then informed Mr. Burke that was not the rule of Town Meeting. It was the rule in legislative bodies, but not Town Meeting. Whereupon, Mr. Burke withdrew his motion for reconsideration.

Article 16 being the last business of the evening the meeting was adjourned at 10:45 p.m.

Attendance: 493

ADJOURNED ANNUAL TOWN MEETING

APRIL 12, 1994

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1994, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, April 12, 1994, for the fifth session of the Annual Town Meeting.

The meeting was called to order at 7:45 pm, when a quorum was declared present.

ARTICLE 17. SALE OF FORMER LORING SCHOOL

To see if the Town will vote to authorize the Selectmen, acting in the name of the Town, to execute a deed or deeds conveying a portion of the land (3.17 acres, more or less) with building thereon known as the Loring School, located at 80 Woodside Road, to be sold pursuant to public bidding process provided in Massachusetts General Laws Chapter 30B upon such terms and conditions as the Selectmen shall consider proper; and to determine the minimum price therefor; or act on anything relative thereto.

Submitted by the Board of Selectmen

In view of the action taken under Article 16 the previous evening, Article 17 was **PASSED OVER**.

ARTICLE 18. DEMOLISH FORMER LORING SCHOOL

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$150,000, or any other sum, to be expended under the direction of the Board of Selectmen, for the demolition of the former Loring School, located at 80 Woodside Road; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Cope, *Moved to Indefinitely Postpone Article 18*. The motion received a second.

Explanation for the motion was there was no money.

The motion to "Indefinitely Postpone" was presented to the voters and was **VOTED** by a hand vote.

ARTICLE 19. SECURE FORMER LORING SCHOOL FOR FUTURE DISPOSITION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$30,000, or any other sum, to be expended under the direction of the Board of Selectmen, for the purpose of boarding up and otherwise securing the former Loring School, located at 80 Woodside Road; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen

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Chairman Cope Moved to Indefinitely Postpone Article 19. The motion received a second.

Explanation for the motion was the same as for Article 18, no money.

The motion to "Indefinitely Postpone" was presented to the voters and was VOTED by a hand vote.

ARTICLE 20. REPAIR FORMER LORING SCHOOL

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee for remodeling, reconstructing, and making extraordinary repairs to the Loring School, including development of specifications and bidding documents, supervision of work and all professional, engineering, and architectural services; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Cope Moved to Indefinitely Postpone Article 20. The motion received a second.

Richard Brooks of Russet Lane remarked he would hope the Board of Selectmen, in view of the votes taken, would look at the Loring School leases and start receiving payments to allow the Town to repair the building so it would be the town facility it should be. To this the hall applauded.

Harold Cutler of Landham Road expressed disappointment there has been no effort since last evening's vote or even before, to find money to repair this building as there was such support for this to be done. Many other voters spoke out in opposition to the motion to "IP" indicating the need to repair the school now.

A motion to Move the Question was received and seconded. The motion was presented to the voters and the Chair declared there was a clear 2/3rds vote and debate on Article 20 was terminated.

The motion under Article 20 to Indefinitely Postpone was presented to the voters. The Moderator was unable to determine the hand vote and requested a standing vote. The motion was presented to the voters again and it was defeated by a standing vote.

The Moderator then called for a main motion under Article 20. He called upon Ralph Tyler for his motion which would provide funds from the sale of gravel from the Malone property in North Sudbury. Then the Moderator, having been informed by Town Counsel, stated it was not possible to do this, as money cannot be appropriated out of the General Fund, where money from the sales of gravel is deposited.

At the suggestion of the Moderator, a motion was received to Postpone consideration of Article 20 to Monday, April 25th, as the first order of business on that date. The motion received a second. The motion was presented to the voters and was VOTED by a hand vote.

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ARTICLE 21. RESCIND REMAINING UNISYS BORROWING

To see if the Town will vote to amend the vote taken under Article 2, Purchase Portion of Unisys Property, of the October 21, 1991 Special Town Meeting, by reducing the amount authorized to be borrowed by \$40,000, so that the amount authorized is \$1,010,000; or act on anything relative thereto.

Submitted by the Town Treasurer and Collector

Treasurer Report: All funds required for the purchase of the Unisys property have been permanently borrowed and are part of the Debt Service Budget. The remaining authorization to borrow should be removed from the Town ledgers.

Board of Selectmen Report: Recommended approval.

The motion under Article 21 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.
(Consent Calendar)

ARTICLE 22. ACCEPT M.G.L. C.60, S.23B - CERTIFICATE OF LIENS FEE SCHEDULE

To see if the Town will vote to accept Massachusetts General Laws, Chapter 60, Section 23B, providing for a fee schedule for Certificates of Liens; or act on anything relative thereto.

Submitted by the Town Treasurer and Collector

Chairman Cope Moved to accept Massachusetts General Laws, Chapter 60, Section 23B, providing for a fee schedule for Certificates of Liens. The motion received a second.

The Chairman offered no explanation for the motion.

Treasurer Report: The increase in fees would allow for the potential of increased revenue on Municipal Lien Certificates required for the conveyance of property and filing of Subdivision Plans at the South Middlesex County Registry of Deeds.

The fees would change as follows:	OLD	NEW
Land less than one acre	\$25	\$25
Single to 3-family residences	\$25	\$25
4+ family residences	\$25	\$100
Commercial, industrial and utility structures	\$25	\$150
Farms, forest land & all other real property	\$25	\$50

In no case shall the fee exceed one-half of one percent (1/2 of 1%) of the assessed value.

The motion under Article 22 was presented to the voters, but once more the Moderator was unable to determine the hand vote. He then requested a standing vote. The motion was presented to the voters again and it was **VOTED**.

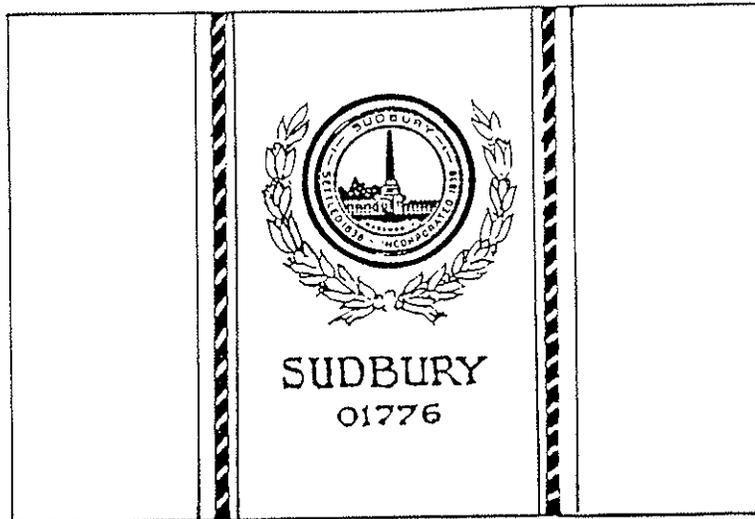
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ARTICLE 23. ADOPT TOWN FLAG

To see if the Town will vote to adopt the flag which appears and is described below as the official flag of the Town of Sudbury, or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectman Drobinski Moved to adopt a flag which appears and is described under Article 23 in the Warrant of this meeting as the official flag of the Town of Sudbury.



Selectmen Report: The Commonwealth of Massachusetts will be installing a "Hall of Flags" in the Great Hall in the State House and seeks a flag from all 351 cities and towns of the Commonwealth. Sudbury has no "Town Flag" of record. To rectify this, E. Helene Sherman, with a grant from the Sudbury Cultural Council (Arts Lottery Funding), has designed the above flag. We seek Town Meeting's official adoption of this flag, so that Sudbury will have a flag for its own use and may be represented in the State House Hall of Flags. The Board of Selectmen supports this article.

After some discussion about having the town's zip code on the flag, Frank Riepe of King Philip Road Moved to amend the design of the flag by deleting the zip code. The motion received a second.

In support of his motion, Mr. Reipe stated the Town Seal in the flag design was of a very small scale. The Town Seal depicts a very important event in this town's history whereas the zip code, 01776, depicts no event in the town's history. It was his view the Town Seal, which includes the Wadsworth Monument and recognizes those who fell in the King Philip Wars, a very important event in our Town history, should not be displaced by something as "trite" as the Town zip code.

The motion to amend the flag design was presented to the voters and was defeated by a hand vote.

A second motion to amend Article 23 was made by W. Grinnell of Massasoit Avenue who Moved to substitute the zip code 01776 with 1676 for the year of the King Philip War. The motion received a second. The second motion to amend under 23 was defeated.

The main motion under Article 23 was presented to the voters and was **VOTED** by a hand vote.

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ARTICLE 24. JULY FOURTH PARADE

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$5,000, or any other sum, for conducting a July Fourth Parade in 1994, to be expended under the direction of the Board of Selectmen; or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectman Drobinski *Moved* to appropriate the sum of \$5,000 for conducting a Fourth of July Parade in 1994, to be expended under the direction of the Board of Selectmen. The motion received a second.

Board of Selectmen Report: We are seeking a small amount of money to supplement the efforts of the Sudbury Chamber of Commerce in putting on the July Fourth Parade. The Chamber is willing to continue to coordinate the project, which is a considerable amount of work, and to fund it as well. However, they seek some funding assistance so they can hire bands. The July Fourth Parade is a Sudbury tradition but without some Town support it will begin to peter out. In the past, Sudbury totally funded this parade, but with reduced budgets the Chamber of Commerce has taken on the job. A joint effort is needed and we seek your support. This article was submitted on behalf of the Parade Committee of the Sudbury Chamber of Commerce. The Board of Selectmen supports this article.

Finance Committee Report: Recommended approval.

The motion under Article 24 was presented to the voters and was **VOTED** by a hand vote.

APRIL 12, 1994

ARTICLE 25. VOTER INFORMATION (Consent Calendar)

To see if the Town will vote to petition the Great and General Court of the Commonwealth of Massachusetts to pass legislation in the following form:

AN ACT AUTHORIZING THE TOWN OF SUDBURY TO SEND CERTAIN INFORMATION TO REGISTERED VOTERS IN THE TOWN OF SUDBURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Board of Selectmen of the Town of Sudbury shall, for any Town Meeting or Special Town Meeting, the warrant for which includes an article in connection with which a question is, or will be, submitted solely to the voters of the Town of Sudbury pursuant to any section of the General Laws including but without limitation, section twenty-one C of Chapter fifty-nine, cause to be included in the warrant report distributed to the citizens of the Town prior to commencement of said Annual Town Meeting, Special Town Meeting or Town Election, and/or on the ballot for any Town or State Election, the full text of such question and a fair and concise summary of said question prepared by the Town Counsel of Sudbury.

SECTION 2. Notwithstanding any provisions of this Act to the contrary, the Town may disseminate the informational material as provided by the terms of this Act, where the question presented involves the regional district of which the Town of Sudbury is a member, or involves a joint undertaking by the Town of Sudbury and one or more cities or towns.

SECTION 3. This Act shall take effect upon its passage.

or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: The 1993 Annual Town Meeting approved a Special Act to allow the Selectmen to provide voter information on ballot questions related only to Sudbury and the regions to which it belongs. The Special Act was sent to the State Legislature (General Court) for passage. The State Local Affairs Committee has recommended compromise language, as a result of its hearing, as set forth in this Article 25. The new language eliminates provisions for presenting pro and con arguments on each ballot question. We are satisfied with this deletion, as the pro and con sections had been inserted primarily because we believed the State would require them. The purpose of the Special Act was to provide voters a clear explanation of any ballot question on the Warrant and on the Ballot itself, and the new language accomplishes this.

Without such legislation, we are prohibited from including any explanation on ballot questions in the Warrants mailed to each household or on the actual Ballots, (or in providing any other mailing to the townspeople). This means that on debt exemption questions the dollar amount under consideration does not appear.

The General Court has requested that Sudbury take another vote to approve the revised wording of this Act before the Legislature proceeds regarding its passage. We support the revised Special Act and urge your favorable action on this Article, as we believe it will be of public benefit.

Finance Committee Report: Recommended approval

The motion under Article 25 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.
(Consent Calendar)

APRIL 12, 1994

ARTICLE 26. AMEND BYLAWS, ART. XX - PROHIBITION AND REGULATION OF OVERHEAD UTILITIES

To see if the Town will vote to amend Article XX, Prohibition and Regulations of Overhead Utilities, of the Town of Sudbury Bylaws, by deleting Section 2, entitled, "Rules & Regulations", in its entirety; and by deleting Section 3.B in its entirety; and by renumbering and relettering the remaining sections accordingly; or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectman Blacker *Moved in the words of the Article.* The motion received a second.

Board of Selectmen Report: The Bylaw prohibiting and regulating overhead utilities was approved by the 1990 Annual Town Meeting with a provision requiring the Selectmen to adopt Rules and Regulations therefor. The Board now seeks to delete this requirement because according to Mr. Blacker the way the bylaw currently is worded it is quite specific as to the Rules and Regulations relative to overhead wires. He also asserted, "There is no reason to adopt Rules and Regulations since everyone knows what the rules of the game are, at least as it currently stands." Therefore, in his opinion Article 26 was submitted "just to clean that up".

Town Counsel's Opinion: It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws.

Several voters spoke quite strongly about the advantages of having Rules and Regulations which this article would eliminate. The motion under Article 26 was presented to the voters and was defeated by a hand vote.

ARTICLE 27. MASS. 1993 TRANSPORTATION BOND ISSUE (Consent Calendar)

To see if the Town will vote to raise and appropriate the sum of \$319,713, or any other sum, to be expended under the direction of the Highway Surveyor, for the construction, reconstruction and maintenance projects of Town and County ways, and to determine whether this sum shall be raised by transfer from 1993 Transportation Bond issue of the Commonwealth; or to act on anything relative thereto.

Submitted by Highway Surveyor

Highway Surveyor Report: The anticipated revenue for this article is derived from the latest ten cent (.10) gas tax voted by the legislature. It will be combined with the funding from the 1991 Transportation Bond issue to implement a pavement management program for our local roads.

Board of Selectmen Report: The Board of Selectmen supported Article 27.

The motion under Article 27 was presented to the voters and by a hand vote it was **UNANIMOUSLY VOTED TO APPROPRIATE THE SUM OF \$319,713, TO BE EXPENDED UNDER THE DIRECTION OF THE HIGHWAY SURVEYOR FOR THE CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE PROJECTS OF TOWN AND COUNTY WAYS; SAID SUM TO BE RAISED BY TRANSFER FROM THE 1993 TRANSPORTATION BOND ISSUE OF THE COMMONWEALTH.**
(Consent Calendar)

APRIL 12, 1994

ARTICLE 28. AMEND BYLAWS - ESTABLISH WETLAND BYLAW

To see if the Town will vote to amend the Bylaws by adding a new section, to be numbered by the Town Clerk, to adopt a Wetlands Bylaw that will (1) allow the Town to establish home rule authority over existing state and federal wetlands regulations, (2) establish user fees for Town-provided wetlands review services to replace current funding by property taxes, and (3) create more flexible and effective enforcement options to deter, and if necessary correct, serious violations, as set forth below:

"WETLANDS ADMINISTRATION

SECTION 1. PURPOSE

The purpose of this bylaw is to maintain the quality of surface water, the quality and level of the ground water table and water recharge area for existing, or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of flood water inundation; to protect the community against the costs which may be incurred, when unsuitable development occurs in wetland resource areas; and to provide for the reasonable protection and conservation of certain irreplaceable natural features, resources and amenities for the benefit and welfare of the present and future inhabitants of the Town of Sudbury.

Accordingly, this bylaw protects the wetlands, related water resources, and certain adjoining land areas in the Town by providing for prior review and control of activities deemed to have a significant or cumulative adverse effect upon wetlands values, including but not limited to the following: protection of public and private water supply, protection of ground water, flood control, erosion and sedimentation control, storm damage prevention, avoidance of water and soil pollution, protection of fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aqua culture, and recreation values, deemed important to the community (collectively, the "wetlands values protected by this bylaw"). This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values with additional standards and procedures to augment those of the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations thereunder, 310 CMR 10.00.

SECTION 2. JURISDICTION

In accordance with this purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas: any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under waterbodies; lands subject to flooding or inundation by ground water, surface water, or storm flow (collectively the "resource areas protected by this bylaw"); and lands within 100 feet of any of the aforesaid resource areas (the buffer zone) without a permit from the Conservation Commission, or as provided by this bylaw. Said resource areas shall be protected whether or not they border surface waters.

SECTION 3. CONDITIONAL EXCEPTIONS

The application and permit required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The application and permit required by this bylaw shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time the work takes place, provided that written notice has

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been given to the Commission prior to the commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00, shall not apply under this bylaw.

SECTION 4. APPLICATIONS FOR PERMITS AND REQUESTS FOR DETERMINATION

Written application shall be filed with the Commission to perform activities affecting resource areas and buffer zones protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission as specified in the bylaw regulations to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

Where this bylaw and the Wetlands Protection Act G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00 have concurrent jurisdiction the Commission shall accept the Notice of Intent and plans filed under the Wetlands Protection Act as the permit application and plans under this bylaw for those parts of the project where precise overlap exists, provided all pertinent areas and activities subject to the jurisdiction of this bylaw and all information required by bylaw regulations are addressed.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Commission.

At the time of the permit application the applicant shall pay a filing fee according to the following schedule.

- | | | |
|-----|--|--|
| (a) | Single minor project – i.e, house addition, tennis court, swimming pool, or other accessory residential activity | \$25 per project |
| (b) | New single family dwelling | \$250 |
| (c) | Subdivision -- road and utilities only | \$500 plus \$2 per foot of road sideline within the buffer zone or resource area |
| (d) | Subdivision -- drainage detention/retention | \$500 plus \$2 per foot of pipe within the buffer or resource area plus \$2 per 100 cubic feet of basin within the buffer or resource area |
| (e) | Multiple Dwelling Structure | \$500 plus \$100/unit, all or part of which is within the buffer zone or resource area |

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- (f) Commercial and Industrial Projects \$500 plus \$0.50 per square foot of disturbed buffer zone or resource area
- (g) Application filed after Enforcement Order double the above fee
- (h) Determination of Applicability no charge

This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act., G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee. The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above over the fee paid for the original permit but in no instance will it be less than \$25.

Upon receipt of a permit application or RFD, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other outside consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

In such instances the Commission shall notify the applicant of this need and the estimated costs and provide the opportunity for the application to be amended or withdrawn. Should an applicant choose to proceed the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services as listed below. This fee is called the consultant fee. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to be put into a consultant services account of the Commission which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.

The Commission shall return any unused portion of the consultant fee to the applicant.

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

<u>Project Cost</u>	<u>Maximum Fee</u>
UP TO \$100,000	NO FEE
\$100,001 - \$500,000	\$2,500
\$500,000 - \$1,000,000	\$5,000
1,000,001 - \$1,500,000	\$7,500
1,500,001 - \$2,000,000	\$10,000

Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged at an additional \$2,500 maximum fee per increment.

The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project cost applicable to those activities affecting the resource areas or buffer zone protected by this bylaw. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

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SECTION 5. NOTICE AND HEARINGS

Any person filing a permit application or a RFD with the Commission, except an application for a minor project (such as a house addition, tennis court, swimming pool, or other accessory residential activity) shall within seven (7) days after such person is informed of the date and time of the hearing thereon, give written notice by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of assessors, including owners of land directly opposite on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant.

The Commission shall issue its determination in writing with 7 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00, in stances of concurrent jurisdiction.

With the consent of the applicant the Commission shall have authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in §6. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

SECTION 6. COORDINATION WITH OTHER BOARDS

As appropriate the Conservation Commission may choose to solicit the advice and opinions of other Town boards and officials in the course of its deliberations. Town boards and officials shall be entitled to file written comments and recommendations with the Commission at or before the public hearing. The Commission shall take any such comments and recommendations into account but shall not be bound by them. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

SECTION 7. PERMITS AND CONDITIONS

The Commission, after a public hearing, shall issue or deny a permit for the activities requested within 21 days of the close of the hearing. If it issues a permit, the Commission shall impose such conditions as it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit

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necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values.

Lands within 100 feet of wetlands resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resources have a high likelihood of adverse impact upon the wetland or other resources, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and harm to wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover in part or all of the 100-foot area and set other conditions on this area, unless the applicant provides evidence deemed sufficient by the Commission that the area or part of it may be disturbed without harm to the values protected by the law.

A permit shall expire three years from the date of issuance. Any permit may be renewed for an additional one year period if a request for renewal is received in writing by the Commission at least thirty (30) days prior to expiration of the permit, and providing the Commission finds that (1) good cause has been shown for such extension and (2) such extension will not have significant adverse effects, immediate or cumulative, upon any of the wetland values protected by this bylaw. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

The Commission shall, after receiving a written request for a Certificate of Compliance, inspect the resource area and buffer zone where any activity governed by a permit issued under this bylaw was carried out. If such activity has been completed in accordance with said permit, the Commission shall within twenty-one (21) days after such a request issue a Certificate of Compliance evidencing such determination, which may in an appropriate case be combined with a Certificate of Compliance issued under the Wetlands Protection Act. A Certificate of Compliance may specify conditions in the permit which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land.

Violations of this bylaw, submission of false or erroneous information, or new information that substantially alters the likely impact of the project on wetlands resources or values may cause the Commission to revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to §5 and §6, and a public hearing.

The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00.

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded. Such certification shall include the book and page or instrument number and date.

SECTION 8. REGULATIONS

After the public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and procedures governing the amount and filing of fees.

SECTION 9. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "Vernal pool" shall include, in addition to that already defined under the Wetlands Protection Act, G.L. Ch. 131, Sec. 40, and Regulations thereunder, 310 CMR 10.00, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile, or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries. The presumption of essential habitat value may be overcome by the presentation of credible evidence which in the judgement of the Commission demonstrates that the basin or depression does not provide the habitat functions as specified in the Bylaw regulations. The buffer zone for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression, or one-half of the distance between the vernal pool and any existing house or driveway, whichever is smaller.

The term "isolated land subject to flooding or inundation" shall include an area, depression, or basin that holds at minimum one-eighth acre foot of water and at least six inches of standing water once a year during most years. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons.

The term "pond" shall include any open body of fresh water with a surface area observed or recorded within the last ten years of at least 5,000 square feet. Ponds shall contain standing water except for periods of extended drought. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Drainage, or other disturbance of water level or water table;
- (d) Dumping, discharging, or filling with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would alter elevation;
- (f) Driving of piles, erection, or repair of buildings, or structures of any kind;

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- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life including cutting of trees;
- (i) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- (j) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or ground water;
- (k) Application of pesticides or herbicides;
- (l) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00..

SECTION 10. SECURITY

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.

SECTION 11. ENFORCEMENT

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas and buffer zones protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

Where the Commission deems it necessary to carry out its duties under this bylaw by entering privately owned land it shall do so with the authority of the property owner and shall be subject to the limitations imposed by the applicable federal and state laws. With the authority of the property owner or his/her designee the Commission may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be served with a Notice of Violation enumerating the alleged violations. If after ten business days the Commission has not received what it deems to be either (a) sufficient evidence demonstrating that no violations have occurred, or (b) a filing that will remove the violations along with evidence that sufficient progress is being made to correct the violations then the violator shall be punished by a fine of \$100 per offense. Beginning ten business days after the date of the Notice of

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Violation each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D.

SECTION 12. BURDEN OF PROOF

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have significant or cumulative negative effect upon the resource area values protected by this bylaw. Failure to provide evidence that in the judgment of the Commission is adequate to support this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

SECTION 13. APPEALS

A decision of the Commission shall be reviewable in the Superior Court in accordance with M.G.L. C. 249, §4.

SECTION 14. RELATION TO THE WETLANDS PROTECTION ACT

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00, thereunder.

SECTION 15. SEVERABILITY

The invalidity of any section or provision or phrase of this bylaw shall not invalidate any other section or provision or phrase thereof, nor shall it invalidate any permit or determination which previously has been issued.";

or act on anything relative thereto.

Submitted by the Conservation Commission

Steven Meyer of Axdell Road Moved in the words of the article with the following exceptions:

IN SECTION 2. JURISDICTION, in the first sentence delete the words, "or inundation" and add after the phrase "within 100 feet" the words, "or otherwise described in Section 9 - Definitions". Delete the last sentence which reads, "Said resource areas shall be protected whether or not they border surface waters."

IN SECTION 3. CONDITIONAL EXCEPTIONS, by inserting as the first paragraph the following: "The application and permit required by this bylaw shall not be required for maintaining, repairing, replacing or enlarging an existing and lawfully located single-family residential structure or appurtenance thereto unless such filing is otherwise required by State or Federal law."

IN SECTION 4. APPLICATIONS FOR PERMITS AND REQUESTS FOR DETERMINATION, in Part (d) delete the words, "Subdivision--" and "\$2 per foot of pipe within the buffer or resource area plus".

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IN SECTION 7. PERMITS AND CONDITIONS, in the fourth paragraph, amend the second sentence by deleting the word "may" and substituting therefor the word "shall"; by deleting the word, "an" and by adding an "s" to the word, "period"; so that the sentence will read: "Any permit shall be renewed for additional one year periods if a request for renewal is received in writing by the Commission at least thirty (30) days prior to expiration of the permit, and providing the Commission finds that (1) good cause has been shown for such extension and (2) such extension will not have significant adverse effects, immediate or cumulative, upon any of the wetland values protected by this bylaw."

IN SECTION 8. REGULATIONS, in the first sentence after the word "promulgate" add the word, "reasonable".

IN SECTION 9. DEFINITIONS, in the third paragraph, last sentence, delete the phrase "existing house or driveway" and substitute therefor: "existing house foundation"; at the end of the third paragraph, insert the following sentence: "in either case the buffer zone for vernal pools shall not extend over existing lawns, gardens, landscaped or developed areas."; after the third paragraph, insert as the fourth paragraph the following: "The term "existing" in the determination of buffer zones shall mean existing as of the date this bylaw becomes effective."

In the now fifth paragraph, in the first sentence delete the words, "or inundation" and "during most years"; and add as a last sentence in the same paragraph the following: "The buffer zone for isolated land subject to flooding shall be 25 feet."

In the now sixth paragraph, add as the last sentence the following: "The buffer zone for ponds under 10,000 square feet shall extend 100 feet from mean annual high water or one-half the distance from existing house foundation, but in no case shall the buffer zone include existing lawns, gardens, landscaped or developed areas."

In the now ninth paragraph, amend part (c) by deleting the words "other disturbance" and substituting therefor the word "lowering".

The motion received a second.

Conservation Report: The purpose of this Bylaw is to maintain the quality of surface water, the quality and level of the ground water table, and water recharge areas for existing, or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of flood water inundation; to protect the community against the costs which may be incurred when unsuitable development occurs in wetland resource areas; and to provide for the reasonable protection and conservation of certain irreplaceable natural features, resources and amenities for the benefit and welfare of the present and future inhabitants of the Town of Sudbury.

This Bylaw consolidates existing state and federal wetlands regulations and procedures into a single body of wetlands protection regulations thereby permitting more coherent and responsive administration of those regulations within the Town, but without further extending their scope or jurisdiction. The Bylaw establishes a sliding scale of applicant filing fees and consultant fees according to proposed project size, to cover review and administration costs that are currently paid by the Town through property taxes. The Bylaw establishes a violation notification procedure, with a ten (10) day fact-finding period and empowers the Town to pursue criminal and civil penalties, including fines, in cases involving egregious and dangerous violations.

{The full text of Mr. Meyer's presentation at Town Meeting is available at the Town Clerk's office.}

Selectmen Report: Recommended approval.

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Planning Board Report: (J. Rhome) The Board unanimously supported the motion under Article 28 as it believed it was extremely important the Conservation Commission have the ability locally to enforce violation of the Wetlands Protection Act which it has not had before. Recognizing the Commission would require funds, the Board believed these should be provided by the user.

Town Counsel's Opinion: It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws.

Frank Lyons of Wayside Inn Road, speaking as President of the Hop Brook Protection Association, an association of approximately 400 members, noted his organization is sworn to deal with one of the most serious and persistent environmental problems in the Town of Sudbury - the pollution of the ponds and streams and Hop Brook Water Shed by the Marlborough Easterly Sewage Treatment Plant. He noted approximately 100 acres of ponds in Marlborough and Sudbury are turned into the aesthetic equivalent of cesspools during the warm weather months. The ponds are covered with algae and there is a dramatic increase in biological oxygen demand which results in fish kill, and the ponds abutting wetlands become an unsuitable habitat for water fowl.

Mr. Lyons stated the Hop Brook Protection Association's interest in and support for this bylaw was focused on the enforcement provision it empowers the Town with, to deal with polluters. It supported the motion under Article 28 with the expectation the provision for a daily fine of \$100 per day for polluters can and will be used as part of a coordinated effort to force the City of Marlborough to accept the responsibility and the consequences for the damage they have done and are continuing to do to Sudbury's most valuable resource - our environment.

The motion as amended under Article 28 was presented to the voters and was **VOTED** by a hand vote.

ARTICLE 29 - WITHDRAWN

ARTICLE 30 - WITHDRAWN

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ARTICLE 31A. TRANSFER HAYNES MEADOW PROPERTY TO SELECTMEN FOR PURPOSE OF SALE

To see if the Town will vote to transfer the house and/or a portion of the land at Haynes Meadow from the Conservation Commission to the Board of Selectmen for the purpose of sale; or act on anything relative thereto.

Submitted by petition

At the request of the petitioner Article 31A was **PASSED OVER**.

ARTICLE 31B. SELL HAYNES MEADOW HOUSE WITH ENVIRONMENTAL COMMITMENT

To see if the Town will vote to sell the house at Haynes Meadow; the bidders will be requested to address their demonstrated commitment to protecting the environment; or act on anything relative thereto.

Submitted by petition

At the request of the petitioner Article 31B was **PASSED OVER**.

ARTICLE 32. SELL HAYNES MEADOW HOUSE

To see if the Town will vote to sell the house at Haynes Meadow; or act on anything relative thereto.

Submitted by petition

At the request of the petitioner Article 32 was **PASSED OVER**.

ARTICLE 33. AMEND ZONING BYLAW, ARTICLE IX - CREATE VILLAGE BUSINESS DISTRICT

To see if the Town will vote to amend Article IX of the Zoning Bylaw as follows:

1. by adding to IX.II.A a new district numbered "11", entitled "Village Business Districts" and designated VBD-;
2. by adding to IX.II.C a new district designated VBD-1, and entitled "Village Business Districts" to read as follows:

"Village Business Districts are hereby established, and the provisions of this bylaw applicable to Village Business Districts shall apply to districts designated on the Zoning Map.

Village Business District No. 1 shall comprise an area the boundaries of which are as follows: the areas involved are the existing LBD-3, LBD-4, BD-2, BD-3, BD-4, and small portions of A-1 and ID-2 per the map below."

The Town Engineer is directed to substitute the metes and bounds description of the district which shall be substituted and to revise boundaries of ID-2 and A-1, when prepared.

3. by deleting from the bylaw LBD-3, LBD-4, BD-2, BD-3, BD-4 and a small portion of ID-2.

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The Town Engineer is directed to eliminate from the descriptions of ID-2 the area being rezoned to VBD-1;

4. by amending IX,III,B by adding a new section "3" thereto entitled "Village Business Districts" to read as follows:

"3. Village Business Districts VBD - The following uses shall be permitted in Village Business Districts:

- a. Any uses permitted in Single Residence Districts;
- b. Stores, salesrooms, or showrooms for the conduct of a retail business;
- c. Personal services shops of a barber, hairdresser, manicurist, or shoe shiner;
- d. Shops for custom work by a dressmaker, furrier, interior decorator, milliner, or tailor;
- e. Shops for custom work by a cabinet maker, job printer, repairer of household appliances or furnishings, shoemaker, upholster, or woodworker; provided that all work and repair operations shall be confined to Monday through Saturday, between 6:00 a.m. and 9:00 p.m., unless a permit is granted for operations during specified additional hours by the Boards of Appeals;
- f. Any of the following service establishments dealing directly with the consumer: collection station for laundry or dry cleaning, frozen food locker, hand or self-service laundry, funeral home, photographic studio, or repair shop for wearing apparel or accessories;
- g. Business or professional offices, or agencies, banks or other financial institutions;
- h. Restaurants serving food and beverages, and providing limited musical entertainment;
- i. Health clubs;
- j. Churches, synagogues and other religious institutions;
- k. Schools and other educational institutions;
- l. Hotels with a maximum of ten guest rooms;
- m. Residential apartments on second, or second and third floors, above the ground level business use;
- n. Such storage of materials, equipment and merchandise as is incidental to, and usual in connection with any permitted use on the same premises;
- o. Such light manufacturing as is incidental to, and usual in connection with any permitted use on the same premises, provided that the major portion of the products are sold at retail on the premises and not more than 1,000 square feet of floor area, per establishment, are used for such manufacturing;
- p. Private clubhouses, meeting halls, and lodge rooms to be used by fraternal or other organizations;
- q. Such similar uses as the Board of Appeals may approve and grant special permits therefor, which meet the guidelines for approval as found in Article IX VI,C,3 "Special Permit Guidelines", of this bylaw;
- r. Exterior signs in accordance with section V, D.

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The following are specifically prohibited in Village Business Districts:

- a. Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapors, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may adversely affect, or impair, the normal use and peaceful enjoyment of any property, structure, or dwelling in the neighborhood;
 - b. Any building, structure, or site arrangement, designed to conduct business with a person in a motor vehicle, or through a window to a pedestrian;
 - c. Any sale, storage, or use of firearms or explosives;
 - d. Any single use occupying more than 10,000 square feet of building area, exclusive of basement or attic storage space.";
5. by amending IX,IV,B by adding a new line under Business Use with a district designation "Vill. Bus. VBD, area - none, frontage - 50, maximum building coverage - 60*, front set back - 20(9), side set back - none, rear set back - none, street center line - 50, residence zone bound - 20, maximum building height (feet) - 35", and to further amend section IX,IV,B by adding a new footnote numbered (9) to read, "(9) Set back a maximum of 40 feet.";
 6. by amending IX,IV,C,1,a by adding the words "Village Business (VBD-)" after the words in "Business (BD-)";
 7. by amending IX,IV,C,4 by adding the words "Village Business (VBD-)" after the words "In single residence ("A", "C)";
 8. by amending IX,V,A,7,f by adding at the end thereof the words "In Village Business Districts (VBD-1) general site lighting fixtures shall be placed no higher than 16 feet above grade.";
 9. by amending IX,V,A,7,h by adding the words "Village Business" after the words "Limited Business" in the title, and the words "Village Business" after the words "Limited Business" in the body of the paragraph;
 10. by amending IX,V,A,7,i by adding at the end of the paragraph, after the sentence "Open space shall not include areas developed for vehicle access, parking, storage and similar accessory uses, except that open space may include walkways, patios and terraces, up to 10% of the open space required.", the sentence:
"In Village Business Districts (VBD-) open space may include parking areas.";
 11. by amending IX,V,A,7,i,1) by adding at the end of the paragraph the words "Such buffer shall be 15 feet in Village Business Districts.";
 12. by amending IX,V,A,7,i by adding a new subparagraph "6)" as follows:

"6) In Village Business Districts sidewalks shall be constructed of brick, stone, or concrete, and be maintained by the owner. Each lot shall have a minimum of 10% pervious surface.

Approved street trees shall be planted at the front property line at a spacing of one per 40 feet.";
 13. by adding to IX,V,A a new paragraph "9." to read as follows:

"9. SPECIAL PROVISIONS IN VILLAGE BUSINESS DISTRICTS (VBD-) Under a Site Plan Special Permit, the Board of Selectmen shall require the following:

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- a. Pedestrian circulation shall be safe and easy between all abutting properties, as well as within an individual property.
- b. All new structures and alterations to existing structures shall be respectful of the scale and visual character of the existing neighborhood.
- c. All plans shall be reviewed by the Design Review Board, in a public hearing."

and by directing the Town Clerk to renumber the former paragraphs "9,10 and 11", so that they will now be "10, 11 and 12".

14. by amending IX,V,C,3,c,3) by adding at the end "(except in VBD: one space per bedroom)";
15. by amending IX,V,C,3,c,4) by adding at the end thereof "(except in VBD: one space for each two persons of student and staff population)";
16. by amending IX,V,C,3,c,6) by adding at the end of the words "feet of gross floor area", the following: "(except in VBD: one space per 300 square feet of gross floor area)";
17. by amending IX,V,C,3,c,7) by adding inside, at the end of the parenthesis, "and in VBD it shall be one per 350 square feet";
18. by amending IX,V,C,3,c,8) by adding at the end thereof "(except in VBD: one space for each three seats)";
19. by amending IX,V,C,6 by adding after the words "parking stalls" where they first appear, the words "(or in any VBD site)";
20. by amending IX,V,C,9 by adding a new subparagraph "f" to read as follows:

"f. Village Business Districts - Parking shall be to the side or rear of the building. The number of parking spaces required for a given site may be on another site within the district. Such off-site parking must be established by legal documentation satisfactory to Town Counsel, and a copy filed in the office of the Town Clerk. ";
21. by amending IX,V,C,9 by adding a new subparagraph "g" to read as follows:

"g. In the Village Business District, the requirement of off-street parking may, at the applicant's option, be satisfied through payment of an annual Access Fee in lieu of providing up to 50% of the required spaces. The Access Fee per space shall equal \$800, indexed to change subsequent to 1994, in the Consumer Price Index for all Urban Consumers, as published by the U.S. Bureau of Labor Statistics. Access Fees shall be held in an Enterprise Fund, or other account, restricting the use of those monies to the provision of off-street parking and non-automotive means of access serving the Village Business District. ";
22. by amending IX,V,C,9 by adding a new subparagraph "h" to read as follows:

"h. For parking areas of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces. ";

or act on anything relative thereto;

Submitted by the Design Review Board

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Frank Riepe of the Design Review Board Moved to postpone Article 33 to be considered as the first order of business tomorrow night. The motion received a second.

Mr. Riepe explained he was requesting Article 33 be postponed as the Board did not have its materials ready to present.

The motion to postpone was **VOTED**.

ARTICLE 34. GOODMAN'S HILL/CONCORD ROADS INTERSECTION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$10,000, or any other sum, to be expended under the direction of the Highway Surveyor for the reconstruction of the intersection at Goodman's Hill Road and Concord Road, and to determine whether this appropriation shall be raised by borrowing or otherwise; or to act on anything relative thereto.

Submitted by petition

Ms. P. Anderson of Goodman's Hill Road, the petitioner, Moved to appropriate the sum of \$10,000 to be expended under the direction of the Highway Surveyor for the reconstruction of the intersection at Goodman's Hill Road and Concord Road, said sum to be raised by transfer from the Stabilization Fund. The motion received a second.

Petitioner's Report: Residents of Goodman's Hill Road and neighboring side streets petitioned the Selectmen in June 1993 to correct dangerous conditions for both drivers and pedestrians at the intersection of Goodman's Hill Road and Concord Road. The new design creates a basic "T" intersection and would prevent vehicles from entering and exiting Goodman's Hill Road at excessive speeds, now jeopardizing drivers and pedestrians, and particularly children, walking and riding bicycles along Concord Road and Goodman's Hill Road, on their way to and from the Peter Noyes School. Such reconstruction would greatly improve the safety for drivers and walkers at this location, where there is a high volume of traffic.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended disapproval

Highway Surveyor Report: Recommended approval

The motion under Article 34, requiring a 2/3rds vote, was presented to the voters and was **VOTED** with a hand vote, as the Moderator declared it a "very clear two-thirds". However, he called the vote one more time asking those who had voted in the negative, if they saw fit to abstain, to please do so. The motion was again presented to the voters and the Chair called the vote by hand **UNANIMOUSLY IN FAVOR**.

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ARTICLE 35. TOWN BUILDING REPAIRS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$63,000, or any other sum, to be expended under the direction of the Building Department, for remodeling or making extraordinary repairs to town buildings, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Building Inspector

The Building Inspector Moved to Indefinitely Postpone Article 35. The motion received a second.

The Building Inspector stated he was seeking to "Indefinitely Postpone" Article 35 as it had a lot of "implications to Article 63 which is the potential consolidation of Town offices in the Flynn Building. Also, the vast majority of the 1 - 10 items listed in the article apply to the Flynn Building. Should Article 63 be approved or be Indefinitely Postponed, then many of the items, as listed, should not be dealt with at this time.

The motion under Article 35 to Indefinitely Postpone was presented to the voters and was **VOTED** by a hand vote.

ARTICLE 36. ACCESSIBILITY TO TOWN BUILDINGS FOR THE DISABLED

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$240,000, or any other sum, to be expended under the direction of the Building Department, for remodeling or making extraordinary repairs to the Flynn Building (\$200,000) and Loring Parsonage (\$40,000) for the purpose of providing accessibility and toilet facilities for the disabled in two of the most heavily utilized Town buildings; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Building Inspector

The Building Inspector Moved to Indefinitely Postpone Article 36. The motion received a second.

The Building Inspector explained, "Article 63 addressed a very, very large renovation, addition and alterations to the Flynn Building for the consolidation of all Town offices in that facility which would then make it completely accessible - 100% accessible on all levels to people with disabilities. Article 36 was a "default" article in case Article 63 didn't pass."

Board of Selectmen Report: Recommended Indefinite Postponement

Finance Committee Report: Recommended Indefinite Postponement

The motion to Indefinitely Postpone Article 36 was presented to the voters and was **VOTED** by a hand vote.

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ARTICLE 37. STREET ACCEPTANCES

To see if the Town will vote to accept the layout, relocation or alteration of any one or more of the following ways:

Atkinson Lane	From Dutton Road to a dead end, a distance of 2,608 feet, more or less;
Babe Ruth Drive	From Hudson Road to Atkinson Lane, a distance of 1,301 feet, more or less;
Firecut Lane Ext.	From Aaron Road to a dead end, a distance of 360 feet, more or less;
McLean Drive	From Pratt's Mill Road to a dead end, a distance of 1,024 feet, more or less;
Perry Circle	From Atkinson Lane to a dead end, a distance of 451 feet, more or less;
Petersen Circle	From Atkinson Lane to a dead end, a distance of 352 feet, more or less;
Powder Mill Road	From North Road to Powder Mill Road, a distance of 100 feet, more or less;
Raymond Road	From the Framingham Town Line northerly, a distance of 3,175 feet, more or less;
Spiller Circle	From McLean Drive to a dead end, a distance of 270 feet, more or less;
Stagecoach Drive	From Landham Road to a dead end, a distance of 276 feet , more or less;

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's Office; to authorize the acquisition by purchase, relocation, or alteration, by gift or by a taking by eminent domain, in fee simple, or the property shown on said plans; and to raise and appropriate, or appropriate from available funds \$500, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectmen Drobinski Moved to accept the layout, relocation and/or alteration of the following ways:

<i>Atkinson Lane</i>	<i>From Dutton Road to a dead end, a distance of 2,608 feet, more or less;</i>
<i>Babe Ruth Drive</i>	<i>From Hudson Road to Atkinson Lane, a distance of 1,301 feet, more or less;</i>
<i>Firecut Lane Ext.</i>	<i>From Aaron Road to a dead end, a distance of 360 feet, more or less;</i>
<i>McLean Drive</i>	<i>From Pratt's Mill Road to a dead end, a distance of 1,024 feet, more or less;</i>
<i>Perry Circle</i>	<i>From Atkinson Lane to a dead end, a distance of 451 feet, more or less;</i>
<i>Petersen Circle</i>	<i>From Atkinson Lane to a dead end, a distance of 352 feet, more or less;</i>
<i>Powder Mill Road</i>	<i>From North Road to Powder Mill Road, a distance of 100 feet, more or less;</i>
<i>Raymond Road</i>	<i>From the Framingham Town Line northerly, a distance of 3,175 feet, more or less;</i>
<i>Spiller Circle</i>	<i>From McLean Drive to a dead end, a distance of 270 feet, more or less;</i>
<i>Stagecoach Drive</i>	<i>From Landham Road to a dead end, a distance of 276 feet, more or less;</i>

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as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's office; and to authorize the acquisition by purchase, by gift or by a taking by eminent domain, in fee simple, or the property shown on said plans; and to appropriate \$500 therefor and all expenses connected therewith.

The motion under Article 37 received a second.

Planning Board Report: (J. Rhome) Recommended approval

Board of Selectmen Report: Recommended approval

Finance Committee Report: Recommended approval

The motion under Article 37 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

ARTICLE 38. DRAINAGE SYSTEMS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$50,000, or any other sum, to be expended under the direction of the Highway Surveyor, for the construction and reconstruction of drainage systems as follows:

Hudson Road, North Road and Union Avenue

and to determine whether said sum is to be raised by borrowing or otherwise; or to act on anything relative thereto.

Submitted by Highway Surveyor

R. Noyes, the Highway Surveyor, Moved to appropriate the sum of \$50,000 to be expended under the direction of the Highway Surveyor for the construction and reconstruction of drainage systems on Hudson Road, North Road and Union Avenue and to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$50,000 under General Laws Chapter 44, Section VII (1) and to appropriate an additional sum of \$1,188 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing, said sum of \$1,188 to be raised by taxation, said appropriation to be contingent upon approval of the Proposition 2-1/2 Debt Exclusion or Capital Exclusion in accordance with the General Laws Chapter 59, Section XXI (C).

The motion received a second.

Highway Surveyor Report: This article shall be used to reinstate a program that has not been funded since 1988. In the past, this program was used to both construct and reconstruct drainage systems to eliminate hazardous conditions on Sudbury roadways. This program was very successful in eliminating many trouble spots in Town, but there are many more problems that need attention immediately. These drainage conditions are unnecessarily troublesome to motorists and residents, and in many cases, cause premature roadway failure and excess maintenance.

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Board of Selectmen Report: Recommended approval. The proposed work includes:

Hudson Road at August Road (Replace and upgrade existing culvert)	\$17,500
Hudson Road at #102 (Install leaching structures)	4,500
Hudson Road at #170 (Install leaching structures)	4,500
Hudson Road at Dutton Road (Extend existing drainage system)	5,000
North Road between Haynes Road & Mossman Road (Install new drainage structures and system)	12,000
Union Avenue (Extend existing drainage system - previously unfunded)	6,500

The motion under Article 38 was presented to the voters and the vote was declared a **CLEAR TWO-THIRDS VOTE WITH ONLY TWO NEGATIVES** by a hand vote. The Moderator then called for a second hand vote, asking those who had voted in the negative to abstain if they saw fit to do so. The motion was again presented to the voters and the vote was declared **UNANIMOUS** by a hand vote.

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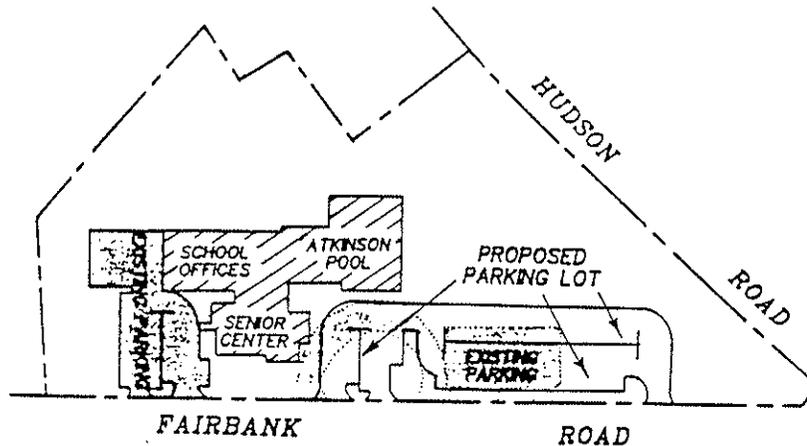
ARTICLE 39. FAIRBANK COMMUNITY CENTER - PARKING AREA

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$50,000, or any other sum, to be expended under the direction of the Park and Recreation Commission, to be used in conjunction with donations from others, for the redesign and reconstruction of the parking area at the Atkinson Pool end of the Fairbank Community Center, and to determine whether this sum shall be raised by borrowing or otherwise; or to act on anything relative thereto.

Submitted by the Park & Recreation Commission

P. Savage, Park & Recreation Director *Moved* to appropriate the sum of \$75,000 to be expended under the direction of the Park and Recreation Department for the re-design and reconstruction of the parking area at the Atkinson Pool end of the Fairbank Community Center, including macadam pavement or other similar road materials, and to raise this appropriation, the treasurer, with the approval of the Selectmen, is authorized to borrow \$75,000 under the General Laws Chapter 44, Section VII (6) and to appropriate an additional sum of \$1,781 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing, said sum of \$1,781 to be raised by taxation. All appropriations hereunder to be contingent upon the approval of Proposition 2-1/2 Debt Exclusion in accordance with General Laws, Chapter 59 Section XXI (C).

The motion received a second.



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Park & Recreation Commission Report: The increasing use of the Fairbank Community Center, Fairbank Senior Center, Atkinson Pool, and the Haskell Field complex emphasized the issues of safety as related to the parking, traffic, and lighting. The parking/safety issues were not addressed in the initial construction/reconstruction of Fairbank. The reality of having more programs and users is the increase in the number of cars, buses, and people. The shoulders of the current parking area have eroded such that large extended ruts and gullies exist. There are no sidewalks, forcing children and adults to walk in the driveway area. Minimal lighting exists to illuminate the parking area (one pole and building security lights). The Park and Recreation Commission seeks partial funding from the Town in addressing the safety concerns.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

R. Tyler of Deacon Lane *Moved to amend the motion under Article 39 by removing the contingency that all the words "all appropriations hereunder to be contingent on approval of Proposition 2-1/2 Debt Exclusion or Capital Exclusion in accordance with the General Laws, Chapter 59, Section XXI (C)."*

The motion received a second.

Explanation for the motion to amend was that should the vote as in the main motion, not be approved by the voters at the Special Town Election, then this project would not go forward. However, the Finance Committee next year would be able to find eight or nine thousand dollars to fund the cost out of the operating budget should the voters decide not to "exclude" this with a debt exemption. Mr. Tyler stated there was nothing in the amended motion to prohibit the Selectmen from going forward, but on the other hand, it doesn't condition the going forward with the project on getting the vote at the Special Election.

The Moderator stated, "I'm going to let this amendment go to a vote, but I want the Town to understand as they vote on it, that several questions were being raised up here {on the stage} whether, if by amending this thing, you won't kill the whole thing as a matter of law. Now I have not been persuaded yet that I should rule the amendment out of order, but I think I should advise you that I've heard enough up here to satisfy me that substantial legal questions are going to be raised if we pass it in the amended form, as opposed to. Whether those questions are correct or not correct, I don't know, but I'd be remiss if I did not advise the Town of the fact that between talking to the Town Counsel and the Town Treasurer/Collector, we're in a procedural question that I am very concerned about."

Paul Kenny, Town Counsel, opined, "The law with respect to overrides would result in this particular motion being an override either way. The determining factor as to whether or not something is placed on the ballot for an override is made by the local appropriating authority. Normally the local appropriating authority is the Town Meeting. In the case of overrides, according to the law, the local appropriating authority is the Board of Selectmen, so the Board of Selectmen have two choices. They will be authorized to borrow the money under here, and they will make a determination whether or not to place that on the ballot for an override because passage of this article results in placing the Town in an override situation, so the Selectmen will determine whether or not this will be placed on the ballot for an override. It appears that there's a difference. The \$1,781 could be in the operating budget, but that's not the case because the \$1,781 is to pay interest so that would also be in a debt authorization override."

The motion to amend was presented to the voters. The motion failed by a hand vote.

Dr. Oasis asked the Moderator to clearly inform the Hall that this \$75,000 is not going to be expended until the remaining \$150,000 is raised.

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The main motion under Article 39 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

It being 10:30 p.m., the Moderator stated the meeting was adjourned until tomorrow night.

Attendance: 345

ADJOURNED ANNUAL TOWN MEETING
APRIL 13, 1994

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1994, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, April 13, 1994, for the sixth session of the Annual Town Meeting.

The meeting was called to order at 7:50 p.m. when a quorum was declared present.

ARTICLE 33 - AMEND ZONING BYLAW, ARTICLE IX - CREATE VILLAGE BUSINESS DISTRICT

To see if the Town will vote to amend Article IX of the Zoning Bylaw as follows:

1. by adding to IX,II,A a new district numbered "11", entitled "Village Business Districts" and designated VBD-;
2. by adding to IX,II,C a new district designated VBD-1, and entitled "Village Business Districts" to read as follows:

Village Business Districts are hereby established, and the provisions of this bylaw applicable to Village Business Districts shall apply to districts designated on the Zoning Map.

Village Business District No. 1 shall comprise an area the boundaries of which are as follows: the areas involved are the existing LBD-3, LBD-4, BD-2, BD-3, BD-4, and small portions of A-1 and ID-2 per the map below."

The Town Engineer is directed to substitute the metes and bounds description of the district which shall be substituted and to revise boundaries of ID-2 and A-1, when prepared.

3. by deleting from the bylaw LBD-3, LBD-4, BD-2, BD-3, BD-4 and a small portion of ID-2.

The Town Engineer is directed to eliminate from the descriptions of ID-2 the area being rezoned to VBD-1;

4. by amending IX,III,B by adding a new section "3" thereto entitled "Village Business Districts" to read as follows:

"3. Village Business Districts VBD- The following uses shall be permitted in Village Business Districts:

- a. Any uses permitted in Single Residence Districts;
- b. Stores, salesrooms, or showrooms for the conduct of a retail business;
- c. Personal services shops of a barber, hairdresser, manicurist, or shoe shiner;
- d. Shops for custom work by a dressmaker, furrier, interior decorator, milliner, or tailor;
- e. Shops for custom work by a cabinet maker, job printer, repairer of household appliances or furnishings, shoemaker, upholster, or woodworker; provided that all work and repair operations shall be confined to Monday through Saturday, between 6:00 a.m. and 9:00 p.m., unless a permit is granted for operations during specified additional hours by the Board of Appeals;
- f. Any of the following service establishments dealing directly with the consumer:
collection station for laundry or dry cleaning, frozen food locker, hand or self-service laundry, funeral home, photographic studio, or repair shop for wearing apparel or accessories;

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- g. Business or professional offices, or agencies, banks or other financial institutions;
- h. Restaurants serving food and beverages, and providing limited musical entertainment;
- i. Health clubs;
- j. Churches, synagogues and other religious institutions;
- k. Schools and other educational institutions;
- l. Hotels with a maximum of ten guest rooms;
- m. Residential apartments on second, or second and third floors, above the ground level business use;
- n. Such storage of materials, equipment and merchandise as is incidental to, and usual in connection with any permitted use on the same premises;
- o. Such light manufacturing as is incidental to, and usual in connection with any permitted use on the same premises, provided that the major portion of the products are sold at retail on the premises and not more than 1,000 square feet of floor area, per establishment, are used for such manufacturing;
- p. Private clubhouses, meeting halls, and lodge rooms to be used by fraternal or other organizations;
- q. Such similar uses as the Board of Appeals may approve and grant special permits therefor, which meet the guidelines for approval as found in Article IX VI,C,3 "Special Permit Guidelines", of this bylaw;
- r. Exterior signs in accordance with section V,D.

The following are specifically prohibited in Village Business Districts:

- a. Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapors, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may adversely affect, or impair, the normal use and peaceful enjoyment of any property, structure, or dwelling in the neighborhood;
 - b. Any building, structure, or site arrangement, designed to conduct business with a person in a motor vehicle, or through a window to a pedestrian;
 - c. Any sale, storage, or use of firearms or explosives;
 - d. Any single use occupying more than 10,000 square feet of building area, exclusive of basement or attic storage space.";
5. by amending IX,IV,B by adding a new line under Business Use with a district designation "Vill. Bus. VBD, area-none, frontage - 50, maximum building coverage - 60*, front set back - 10(9), side set back - none, rear set back - none, street center line - 50, residence zone bound - 20, maximum building height (stories) - 2-1/2*, maximum building height (feet) - 35", and to further amend section IX,IV,B by adding a new footnote numbered (9) to read, "(9) Set back a maximum of 40 feet.";

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6. by amending IX,IV,C,1,a by adding the words "Village Business (VBD-)" after the words in "Business (BD-)
7. by amending IX,IV,C,4 by adding the words "Village Business (VBD-)" after the words "In single residence ("A", "C)";
8. by amending IX,V,A,7,f by adding at the end thereof the words "In Village Business Districts (VBD-) general site lighting fixtures shall be placed no higher than 16 feet above grade.";
9. by amending IX,V,A,7,h by adding the words "Village Business" after the words "Limited Business" in the title, and the words "Village Business" after the words "Limited Business" in the body of the paragraph;
10. by amending IX,V,A,7,i by adding at the end of the paragraph, after the sentence "Open space shall not include areas developed for vehicle access, parking, storage and similar accessory uses, except that open space may include walkways, patios and terraces, up to 10% of the open space required.", the sentence:

"In Village Business Districts (VBD-) open space may include parking areas.";
11. by amending IX,V,A,7,i,1) by adding at the end of the paragraph the words "Such buffer shall be 15 feet in Village Business Districts.";
12. by amending IX,V,A,7,i by adding a new subparagraph "6)" as follows:

"6) In Village Business Districts sidewalks shall be constructed of brick, stone, or concrete and be maintained by the owner. Each lot shall have a minimum of 10% previous surface.

Approved street trees shall be planted at the front property line at a spacing of one per 40 feet.";
13. by adding to IX,V,A a new paragraph "9." to read as follows:

"9. SPECIAL PROVISIONS IN VILLAGE BUSINESS DISTRICTS (VBD-) - Under a Site Plan Special Permit, the Board of Selectmen shall require the following:

 - a. Pedestrian circulation shall be safe and easy between all abutting properties, as well as within an individual property.
 - b. All new structures and alterations to existing structures shall be respectful of the scale and visual character of the existing neighborhood.
 - c. All plans shall be reviewed by the Design Review Board, in a public hearing."

and by directing the Town Clerk to renumber the former paragraphs "9, 10 and 11", so that they will now be "10, 11 and 12".
14. by amending IX,V,C,3,c,3) by adding at the end "(except in VBD: one space per bedroom)";
15. by amending IX,V,C,3,c,4) by adding at the end thereof "(except in VBD: one space for each two persons of student and staff population)";
16. by amending IX,V,C,3,c,6) by adding at the end of the words "feet of gross floor area", the following: "(except in VBD: one space per 300 square feet of gross floor area)";

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17. by amending IX,V,C,3,c,7) by adding inside, at the end of the parenthesis, "and in VBD it shall be one per 350 square feet";
18. by amending IX,V,C,3,c,8) by adding at the end thereof "(except in VBD: one space for each three seats)";
19. by amending IX,V,C,6 by adding after the words "parking stalls" where they first appear, the words "(or in any VBD site)";
20. by amending IX,V,C,9 by adding a new subparagraph "f" to read as follows:

"f. Village Business Districts - Parking shall be to the side or rear of the building. The number of parking spaces required for a given site may be on another site within the district. Such off-site parking must be established by legal documentation satisfactory to Town Counsel, and a copy filed in the office of the Town Clerk.";
21. by amending IX,V,C,9 by adding a new subparagraph "g" to read as follows:

"g. In the Village Business District, the requirement of off-street parking may, at the applicant's option, be satisfied through payment of an annual Access Fee in lieu of providing up to 50% of the required spaces. The Access Fee per space shall equal \$800, indexed to change subsequent to 1994, in the Consumer Price Index for all Urban Consumers, as published by the U.S. Bureau of Labor Statistics. Access Fees shall be held in an Enterprise Fund, or other account, restricting the use of those monies to the provision of off-street parking and non-automotive means of access serving the Village Business District.";
22. by amending IX,V,C,9 by adding a new subparagraph "h" to read as follows:

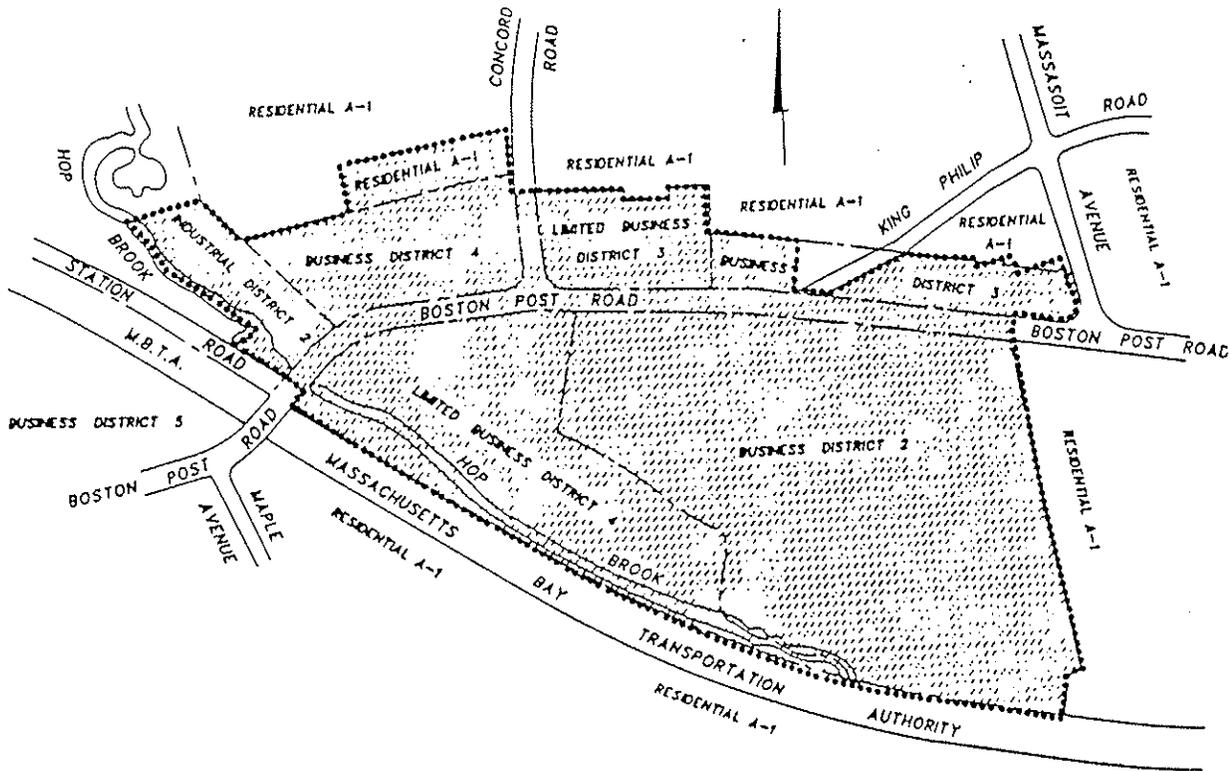
"h. For parking areas of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.";

or act on anything relative thereto;

Submitted by the Design Review Board

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VILLAGE BUSINESS DISTRICT NO. 1



Frank Riepe of King Philip Road, Chairman of the Design Review Board *Moved in the words of the article, except in Item #4, Section 3, "Prohibited Uses", in paragraph (d) appearing on page 49, delete the words "use occupying" and substitute therefor the words "occupancy of".*

The motion received a second.

Design Review Board Report: (F. Riepe) Along Route 20, from Hop Brook to Massasoit Avenue, lies a concentration of commercial activity forming a somewhat coherent district. It covers six (6) zoning districts including LBD-4, BD-2, BD-3, BD-4, as well as small portions of A-1 and ID-2. Mill Village is the largest, oldest and most identifiable commercial development within this area. Also included are the Millbrook office condominiums, the Concord Road shops, the Hilco site, and a variety of small shops and offices characterized by small scale and close proximity to one another, as well as the road. With the notable exception of the Millbrook Condominiums, most of the architecture is at least a century old and of a residential scale. This was the heart of the original South Sudbury business area.

Generations ago, South Sudbury was a distinct village with a history and identity of its own. The King Philip Historic District abuts and partially overlays this business area. The Goodnow Library and the Memorial Congregational Church are important public institutions, immediately outside this business area. The immediate residential areas are characterized by small lots with older homes creating a strong neighborhood context. This business area is easily walked to from many homes.

Despite the proximity of homes and the density of development, the business area does not have a strong pedestrian component because the few sidewalks are poorly maintained and the intensity of Route 20 traffic, with no on-street parking,

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makes walking from shop to shop uninviting and somewhat hazardous. This aspect of the area's character has only developed within the last sixty years. As the automobile has attained supremacy, the attractive characteristics of this business area have been eroded. Present zoning has created a haphazard progression of development, without a vision of how the area should grow, or what it should become. Consequently, the majority of Sudbury residents consider Route 20 to be something of an embarrassment.

This particular area can be encouraged, through zoning changes, to become a proud little business area serving the immediate area and Sudbury at large. Creating a single zoning district is the critical first step toward realizing the full potential of this area.

The present zoning fragments the district and fails to encourage its growth as a neighborhood. Allowing this area to become more pedestrian-oriented, with mixed use, is central to the philosophy of the Sudbury Village Project of which this proposal is an outgrowth. A unified streetscape where the prevailing facade setback is respected, sidewalks are maintained, and shared parking is made possible are basic ingredients of the village environment.

Board of Selectmen Report: (J. Drobinski) The Board recommended support of Article 33 in that it believed here was an opportunity to utilize the area to a greater efficiency, while at the same time protecting the aesthetics of the community.

Finance Committee Report: The Committee took no position on Article 33.

Planning Board Report: (J. Rhome, Chairman) The Board unanimously supported Article 33, while admitting this would be a very difficult zoning process. Involved would be a business area where there are existing businesses and to place a new zone over that, there would result non-conforming uses. However, Mr. Rhome noted that to get a perfect zoning bylaw before this was approved was not realistic. It just would never happen. He admitted there are "glitches" here and there, however, "We have a very liberal Board of Appeals in Town that can handle a great many of those things that surface." Also, if some changes need to be made, they can be taken care of through Town Meeting over the next year or so.

The Chairman noted a public hearing was held on this Article 33, however very few people attended, and, of those, none were from the business community, either in or out of the area involved. The Planning Board, considered Article 33 so important it held a second public hearing. This time, the Chairman personally contacted the President of the Chamber of Commerce, one of the Realtors who has a place of business right in the zone and a few others to bring to their attention the second hearing. Approximately five or six people of the business community attended.

Town Counsel's Opinion: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

Pat Delaney, Board of Appeals member, speaking as an individual, noted the Zoning Board of Appeals did not take a position on Article 33. With the use of slides he addressed the zoning density in commercial districts as it would apply to Article 33.

He stated there were four (4) factors that primarily control zoning density:

- 1) Septic Requirements;
- 2) Schedule of Intensity in our Zoning Bylaw, which states only a particular percentage of the property can be covered with buildings;

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- 3) Open space requirements and
- 4) Parking requirements

Only the last three are under "local" control.

The Intensity Schedule permits construction of buildings, in most cases, of up to 60% of a lot, therefore it doesn't control commercial density as one would think. The Parking and Open Space requirements are the two factors that do control commercial density in Sudbury. He then remarked that Article 33 would greatly reduce one of them - the Parking Requirements, and eliminate the other one - the open space requirements. Now when developing a commercial lot, town bylaw requires 30% be reserved for open space. With the Village Business District the open space requirement would be "zero". He clarified that by saying, Article 33 really re-defines what Open Space is or what it could be, so that it can include parking areas. The 30% requirement for Open Space would be contributed to, by paved asphalt parking areas. Because the parking area in a fully developed lot could easily exceed 30% effectively, this means there is no Open Space Requirement.

Mr. Delaney carefully explained in detail and showed on slides the fact the Village Business District would increase the current maximum lot coverage of 35% to 54% which he referred to as a "tremendous increase", the numbers of which developers call "maximum theoretical floor coverage". Mr. Delaney stated the Village Business District would be combining six (6) districts and approximately thirty acres (30). The thirty acres, within a 19% increase in building area could result in a maximum theoretical floor space density in the VB district of about a quarter of a million square feet yet the VB district is only 1500 feet long, and that's on a road that has a traffic problem right now.

He informed the Hall that in 1984, the Planning Board had a "Superblock Concept", which was actually the Village Business District, with one very important difference. The "Superblock Concept" had a southerly bypass of Route 20 from around Singletary Lane up to Maple Avenue where it rejoined Route 20, which would effectively handle traffic problems. The VBD not only does not include a bypass, but does nothing to alleviate the traffic which will result from an additional quarter million square feet, which he considered a conservative number. Mr. Delaney made the observation that people would walk from store to store, but they have to get there somehow in the cars to begin with, and the only way to get there is Route 20, which means more vehicle trips on the Boston Post Road. He ended his comments by saying dramatically increasing the commercial building density along Route 20 without a companion plan to deal with the traffic that results, is poor planning and poor zoning.

Joseph Klein of Stone Road Moved to amend Article 33 by deleting therefrom the subparagraph "M" as it appears on page 48 of the Warrant under Section 4 and subsection 3.

The motion to amend received a second. The section Mr. Klein referred to dealt with residential apartments as a permissible occupancy. He spoke out against apartments, as it was his view and experience that a homeowner is far more responsible and takes a far better interest in his property than would a renter. He remarked that it was his feeling the "apartments are being snuck in", as the primary purpose of the VBD is to create a quaint shopping area, which has nothing to do with residential problems. The Hall applauded these comments.

Much discussion ensued both in support as well as in opposition to the motion to amend. The full text is available at the Town Clerk's office.

The motion to amend was presented to the voters. The motion to amend was defeated.

Don Oasis of Willis Road commented that much of the land, at least that on the south side of Route 20 is not owned by

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Sudbury people, while some of the land on the north side remains in the hands of Sudbury people. He viewed Article 33 as "pie in the sky", though well meaning. It was his opinion that there was "no carrot here to hold before these people to make them change their ways." Many applications would be coming before the Town to expand facilities without the type of beautification and expense one would really like them to have. He believed most of the people in the area are having trouble meeting their mortgage payments, therefore, Article 33 would really not improve the area.

Mr. Riepe responding to some of the previous comments, said the bylaw would require there be 10% curveous surface, therefore at least 10% of the site would not be paved. In addition, each site would have a minimum setback from the road of 20 feet, which would mean there would be landscaped areas at least in the front. He added that he did not agree with the conclusion that increased density exacerbates traffic problems. The intent of the Article is to create an integrated zone where there is enhanced pedestrian activity.

A motion was received to Move the question. The motion was seconded. The motion was presented to the voters and the Moderator declared it was a **Clear two-thirds vote**, therefore debate was terminated.

The main motion under Article 33 was then presented to the voters. The Moderator unable to discern the vote by a show of hands, asked for a standing vote. It was the judgement of the Chair that the motion received a majority but not the required two-thirds and so declared the motion defeated. Then the Moderator asked the proponents if they wished to have the hall counted.

The counted vote was as follows:

Total vote: 190 - Passage of the Article required 127 votes.

YES: 129 NO: 61

The motion under Article 33 was **VOTED**.

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ARTICLE 40. FEELEY TENNIS COURTS RECONSTRUCTION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$85,000, or any other sum, to be expended under the direction of the Park and Recreation Commission, for the reconstruction of the six (6) tennis courts at Feeley Field off Raymond Road; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Park & Recreation Commission

P. Savage, Park & Recreation Director, *Moved* to appropriate the sum of \$85,000 to be expended under the direction of the Park and Recreation Commission for the reconstruction of six (6) tennis courts at Feeley Field off of Raymond Road and to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$85,000 under the General Law, Chapter 44, Section VII (25), and to appropriate an additional sum of \$2,029 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing. Said sum of \$2,029 to be raised by taxation, all appropriations hereunder to be contingent upon approval of Proposition 2-1/2 Debt Exclusion or Capital Exclusion in accordance with General Laws, Chapter 59, Section XXI (C).

The motion received a second.

Park & Recreation Report: The tennis courts at Feeley Field were originally constructed in 1971 for tennis and ice skating. The design for such a dual use results in a pitch that is centerline to baseline, rather than sideline to sideline, which is preferable for tennis. The original construction has not aged well and there are large cracks, making spot repair not feasible. The courts will continue to deteriorate to a point where none will be usable. The complete loss of these courts would take away a valuable resource from the Town of Sudbury and the opportunity for generating additional program revenues for Park and Recreation.

Board of Selectmen Report: Recommended approval

Finance Committee Report: Recommended approval

The main motion under Article 40 was presented to the voters. The Moderator saw one or two who voted in the negative, so he presented the vote once again to the voters requesting those who opposed the motion to abstain, if they saw fit to do so. The Moderator then declared the hand vote **UNANIMOUS IN FAVOR.**

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ARTICLE 41. LIBRARY ARCHITECTURAL SERVICES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$35,500, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining architectural, engineering and other services, including preliminary plans, for the reconstruction, remodeling, or making extraordinary repairs to, and constructing additions to the Goodnow Library; and to determine whether said sum shall be raised by borrowing or otherwise; or to act on anything relative thereto.

Submitted by the Goodnow Library Trustees

Hans Lopater, Trustee of the Goodnow Library, made the following motion under Article 41: *Move to appropriate the sum of \$20,000 to be expended under the direction of the Permanent Building Committee (PBC) for architectural, engineering and other services, including plans, specifications for remodeling, reconstructing or making extraordinary repairs, or constructing additions to the Goodnow Library; and to authorize the Permanent Building Committee to execute a contract or contracts therefor, said sum to be raised by transfer from the Stabilization Fund.*

The motion received a second.

Mr. Lopater noted that the amount requested had been reduced from \$35,000 to \$20,000 as the Trustees believed they could start the project with a lesser amount.

Goodnow Library Trustees Report: Justification: A "space needs" study of the Goodnow Library was carried out by library consultants in 1988. The consultants considered the library needs and use patterns of the community. They compared the Library's space and facilities to library building standards. Their study included general and specific recommendations for meeting the then current needs (1988), and the near future needs (20 years), of the community. The overall recommendation called for an additional 12,000 to 16,000 square feet of space.

Issues: Ninety percent (90%) of the community uses the Goodnow Library. Its circulation and frequency of use statistics are well above state and national averages. However, the value of the Library to its users is being diminished by the lack of adequate space and facilities.

The existing facility was designed to house 20,000 non-fiction titles, 8,000 fiction titles, and 12,000 children's titles. It was to accommodate 8 FTE's. Today the Library has 26,000 non-fiction titles, 15,000 fiction titles, and 14,500 children's titles. (These are small collections when compared to those of similar libraries.) Currently, the Library has 10.6 FTE's. Books, magazines, audio-visual materials, equipment and people are forced to fit into areas too small to accommodate them. There is insufficient space for study, research, browsing and other user and staff activities.

Electronic resources are becoming more crucial to information and education services in the public library. Our building is not able to support them adequately. In addition to lack of space, its lighting and electrical systems are inappropriate for these developments. As the need for these types of library informational and recreational resources and equipment expands, this situation will worsen.

Benefits: A renovation/addition building project will increase the value of the Library's existing resources and services to the community. Material will be more accessible. Quiet study and research areas will be available. Appropriate space will be provided for children's programs, and for young adult resources and activities. The Library will be better able to respond to emerging library user needs. Workstations and other equipment for non-print resources can be planned for and integrated into library services effectively.

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The staff's ability to serve residents will be enhanced. Logistically, resources, equipment and supplies will be more readily available to staff. Additional work space will improve work flow.

Over the next five (5) to ten (10) years, a number of Library repair, replacement and improvement issues will need to be addressed. Replacement items include: the roof; heating system; cooling system; leaching fields; Adult Room ceiling and wallpaper; and Children's Room carpet, shelving and wallpaper. The Library's electrical system, lighting and handicapped accessibility will need to be upgraded. Significant portions of the drives and parking lot will need to be repaved.

These projects will require a significant investment. We know that the handicapped access project approved at last year's Town Meeting will cost \$30,000. The most cost effective plan for addressing these problems, would be to incorporate them in a comprehensive building program. Otherwise, costly repairs, etc. will be made on a building which no longer serves its purpose adequately.

This proposal will allow us to study various options carefully, and to develop a building program that will reflect the needs of the community.

For more than 130 years the Goodnow Library has played an important role in defining the quality of life and sense of community in Sudbury. It is the community's lifelong learning/recreational center. We believe that the library needs of the community deserve a carefully planned building program.

Board of Selectmen Report: Recommended approval

Finance Committee Report: (M. Fitzgerald, Chairman) The Finance Committee recommended disapproval as there were many other projects in the horizons and it was the Committee's desire to protect the Stabilization Fund at its present level \$305,000, rather than continue to deplete it.

Many speakers followed supporting the motion under Article 41, with one exception, John Ryan of Ford Road who reiterated the views of the Finance Committee.

A motion was made to Move the question. This received a second. The Moderator declared there was a clear two-thirds vote, thus debate was terminated under Article 41.

The main motion was presented to the voters. The Moderator saw one person in opposition, so he called for the vote again, asking anyone who voted in the negative, if they could see fit to abstain. The main motion was presented again to the voters and the Moderator declared the vote by hand to be **UNANIMOUS**. Much applause followed.

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ARTICLE 42. INTERIOR IMPROVEMENTS OF CHILDREN'S ROOM

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$10,000, or any other sum, to be expended under the direction of the Director of the Goodnow Library, for the purpose of reconstruction, remodeling, or making extraordinary repairs to the Children's Room, including re-carpeting, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Goodnow Library Trustees

Ivan Lubash, Trustee for the Goodnow Library, Moved for Indefinite Postponement.

The motion received a second.

Mr. Lubash explained the trustees were going to try a "little magic" and would go along with the Finance Committee, figuring a batting average of 500 is good.

The motion under Article 42 to Indefinitely Postpone was **VOTED** by a hand vote.

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ARTICLE 43. HIGHWAY DEPARTMENT BUILDING - ARCHITECTURAL SERVICES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$18,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications and bidding documents, for remodeling, reconstructing, constructing additional space, or making extraordinary repairs to existing town building and/or the construction of a new town building for a highway garage; or act on anything relative thereto.

Submitted by the Highway Surveyor

Robert Noyes, Highway Surveyor, *Moved to appropriate the sum of \$46,000 to be expended under the direction of the Permanent Building Committee (COMMITTEE) for the purpose of paying engineering and architectural services including preparation of plans, specifications and bidding documents, for remodeling, reconstruction, contracting additional space or making extraordinary repairs to existing town building, and/or the construction of a new town building for the highway garage, and to authorize the COMMITTEE to execute a contract or contracts thereof.*

The motion received a second.

Highway Surveyor Report: This Article is for the purpose of requesting funds for preliminary architectural services associated with the design for the rehabilitation and addition to the existing Highway Department facility. The current facility is inadequate in its ability to meet the growing needs of the department. The facility services the Highway Department and is critical to our ability to effectively meet the needs of the increased demands the Town has on this department. This updated facility will service the needs of many departments as the Town consolidates different functions into a Public Works Department. We have seen this requested appropriation repeatedly suppressed due to other Town needs. The building continually deteriorates and our space needs are increasing rapidly.

As the Highway Surveyor, I request your support of this very important first step in the reconstruction of, and addition to, the Public Works garage. This project will allow us to better serve the Town with a clean, safe and efficient facility.

Board of Selectmen Report: Recommended support.

Finance Committee Report: Recommended support.

Robert Coe of Churchill Street, noting the amount of money being requested was not to be raised by taxation, inquired as to the source of the money. Chairman Fitzgerald of the Finance Committee stated the money was included in the amount under the Limiting Motion. The Moderator added, "Within the Limiting Motion, it is "Available Funds", to which Mr. Coe then asked why was it necessary to have an article. The Moderator stated, "Because it's not in the budget, it was within the "Limiting Motion."

J. Ryan of Ford Road *Moved to amend the motion under Article 43 by striking the words "and architectural" and strike the words, "Including preparation of plans, specifications and bidding documents".*

The motion received a second.

Speaking for the Finance Committee, Mr. Ryan remarked that it didn't know whether the building was worthy of saving or should the building be torn down and start from scratch. The need is for a structural engineer. In this situation there is a preliminary step required—that is the services of a structural engineer.

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The motion to amend under Article 43 was defeated.

Felix Bosshard of Warren Road, believing \$6,000 was not a sufficient amount to achieve both ends of the proposed project, *Moved to amend by striking out the \$6,000 and putting in \$18,000.*

The motion received a second.

The Moderator then commented this increase would place the Town in an "override" situation and the budget would become an "override budget".

With this understanding, Mr. Bossard requested his motion to amend be withdrawn, to which there was no objection.

The main motion under Article 43 was placed before the voters and was **UNANIMOUSLY VOTED** by a hand vote.

Article 44. **WITHDRAWN**

APRIL 13, 1994

ARTICLE 45. AMEND ZONING BYLAW, ARTICLE IX - PLANNING BOARD ASSOCIATE FOR SPECIAL PERMITS

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, Section VI, "Administration", by adding a new section "D" entitled "Planning Board Associate for Special Permits", to read as follows:

"D. PLANNING BOARD ASSOCIATE FOR SPECIAL PERMITS

1. A majority of the Planning Board shall appoint one (1) individual as an associate member of the Planning Board for applications where the Planning Board acts as a Special Permit Granting Authority.
2. The term of office of this first appointment shall expire on July 1, 1995, or until a successor is appointed. Thereafter, an Associate Member shall be appointed every two (2) years by the Planning Board.
3. In the event of a vacancy in the position of Associate Member, the position shall be filled in the same manner as in the case of the original appointment.
4. The Chairman of the Planning Board may require such Associate Member to be in attendance at special permit hearings, and may designate such Associate Member to sit on the Board for the purpose of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board.";

and to request the Town Clerk to renumber existing sections D, E and F to E, F and G respectively; or act on anything relative thereto.

Submitted by the Planning Board

Ursula Lyons, Planning Board member, *Moved in the words of the Article.* The motion received a second.

Planning Board Report: This article allows the Planning Board to appoint one associate member to act as a substitute for a regular member, on those applications where the Planning Board acts as a Special Permit Granting Authority. The Planning Board has experienced an upsurge of special permit applications in the last year, which required careful scheduling of public hearings and meetings to avoid absences. This bylaw will allow the Board the flexibility due to potential conflict of interest, or absence on those applications which require a 4/5 majority vote of the Board.

Board of Selectmen Report: Recommended support.

Finance Committee Report: No position.

Town Counsel's Opinion: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

The motion under Article 45 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

APRIL 13, 1994

ARTICLE 46. AMEND ZONING BYLAW ARTICLE IX.I.C. - DEFINITIONS

To see if the Town will vote to amend Article IX, Section I.C. (Definitions), by deleting the definition for "Lot Area", and substituting the following:

"Lot Area - Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which the lot abuts, even if fee to such street is in the owner of the lot; provided, however, when computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with Chapter 41 of the Massachusetts General Laws as of the effective date of this bylaw, no land designed for surface collection of storm water or drainage waters (i.e., detention, retention, infiltration ponds, or basins, etc.) shall be used in the computation. The above limitation on calculated "lot area" shall not be applied in determining maximum building coverage, maximum floor area ratio or any open space requirement of Article IX.";

or act on anything relative thereto.

Submitted by the Sudbury Planning Board

Ursula Lyons of the Planning Board Moved in the words of the Article. The motion received a second

Planning Board Report: This article amends the current definition of "Lot Area", to exclude those areas designed for collection of stormwater or drainage water. This definition applies only to those lots submitted for subdivision approval after the effective date of this bylaw. Many developers place these drainage structures within lot lines to maximize density in a subdivision. Drainage ponds and basins can be large in size, and severely limit the size of private yards. They also require special maintenance which is normally conducted by the Town and which can disrupt the appearance of private yards. The amendment is necessary so that drainage structures can be physically separated from development for safety and aesthetic reasons.

Board of Selectmen Report: Recommended approval

Finance Committee Report: No position

Town Counsel's Opinion: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

The motion under Article 46 was placed before the voters and it was **UNANIMOUSLY VOTED** by a hand vote.

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ARTICLE 47. AMEND ZONING BYLAW, ARTICLE IX.III.B.2.b - DELETE DRIVE THROUGH RESTAURANTS

To see if the Town will vote to amend Article IX, Section III.B.2.b (Drive-in retail establishments as a permitted use in Business Districts) by revising this provision so that it reads:

"b. Drive-in establishments regularly dispensing merchandise or money from inside a building to persons outside, but excluding the dispensing of food and drink."

and by adding the following under prohibited uses in Business Districts:

"c. Drive-in establishments regularly serving food and drink from inside a building to persons outside.";

or act on anything relative thereto.

Submitted by Sudbury Planning Board

Carmine Gentile of the Planning Board *Moved in the words of the Article.*
The motion received a second.

Planning Board Report: This article proposes the elimination of "drive-through restaurants" as a permitted use in Sudbury Business Districts. Other types of drive-through businesses, such as banks, shall be permitted. During discussions on the recent proposal to open a drive-through window at the proposed Dunkin Donuts restaurant on Route 20, many residents expressed opposition to this use, citing traffic safety considerations. The Planning Board has submitted this article based on comments voiced during that application's review process.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: No position.

Town Counsel's Opinion: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

Richard Brooks of the Planning Board inquired of Town Counsel if the type of service offering Sunday Brunch, walk-out or something such as that would be permitted if this Article passed.

Paul Kenny, Town Counsel, opined, "The way the Article is worded it would appear that it would not apply to a Sunday Brunch. However, the language is ambiguous and I think that the person that would have to interpret that language, even though it's my opinion it wouldn't, would be the Building Inspector because of the language that's there. He's the person that has to enforce it and interpret the Bylaw. But my opinion is that it would not apply to a Sunday Brunch because it says 'persons service from inside to outside'. Now I would assume that Sunday Brunch the people would walk and serve the people outside. They would walk outside to serve them. So I think the Building Inspector would have to determine whether that was true."

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A motion was received to Move the question, and it received a second.

The Moderator stated he thought it received a two-thirds vote.

The main motion under Article 47 was presented to the voters and it was the opinion of the Chair that "it received a very clear two-thirds vote. He called for the vote a second time, asking those who voted in the negative, if they saw fit, to abstain from voting. The motion under Article 47 was presented to the voters a second time and it was **UNANIMOUSLY VOTED** by a hand vote.

The Moderator reminded the Hall that the first order of business when the Town Meeting is resumed on April 25th, will be Article 20.

A motion was received to adjourn to April 25 at 7:30 p.m. and the Moderator declared it was a **UNANIMOUS VOTE**.

The meeting was adjourned at 10:33 p.m.

Attendance: 223

ADJOURNED ANNUAL TOWN MEETING

APRIL 25, 1994

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1994, the inhabitants of the Town of Sudbury qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Monday, April 25 for the seventh session of the Annual Town Meeting. A quorum having been declared present at 7:55 p.m. by the Moderator, the first order of business was Article 20 which had been postponed to this time from a previous session of this town meeting.

{The full text and discussions on all articles are available at the Town Clerk's office.}

ARTICLE 20. REPAIR FORMER LORING SCHOOL

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee for remodeling, reconstructing, and making extraordinary repairs to the Loring School, including development of specifications and bidding documents, supervision of work and all professional, engineering, and architectural services; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Cope *Moved to Indefinitely Postpone Article 20.*

The motion received a second.

Explanation for the motion was that since last week there have been some serious discussions at the Loring site concerning the future of the School by members of the Finance Committee and residents. The consensus was to renegotiate individual leases with all tenants following Town Meeting and to find a way to use the rental incomes for both minor and major repairs to the facility. It was of concern that any and all repairs should last for at least five to ten years, and not be done piecemeal as in the past. If the amount of income generated is not sufficient, the Selectmen would request additional funding from Town Meeting, to avoid borrowing.

Finance Committee Report: Recommended Indefinite Postponement.

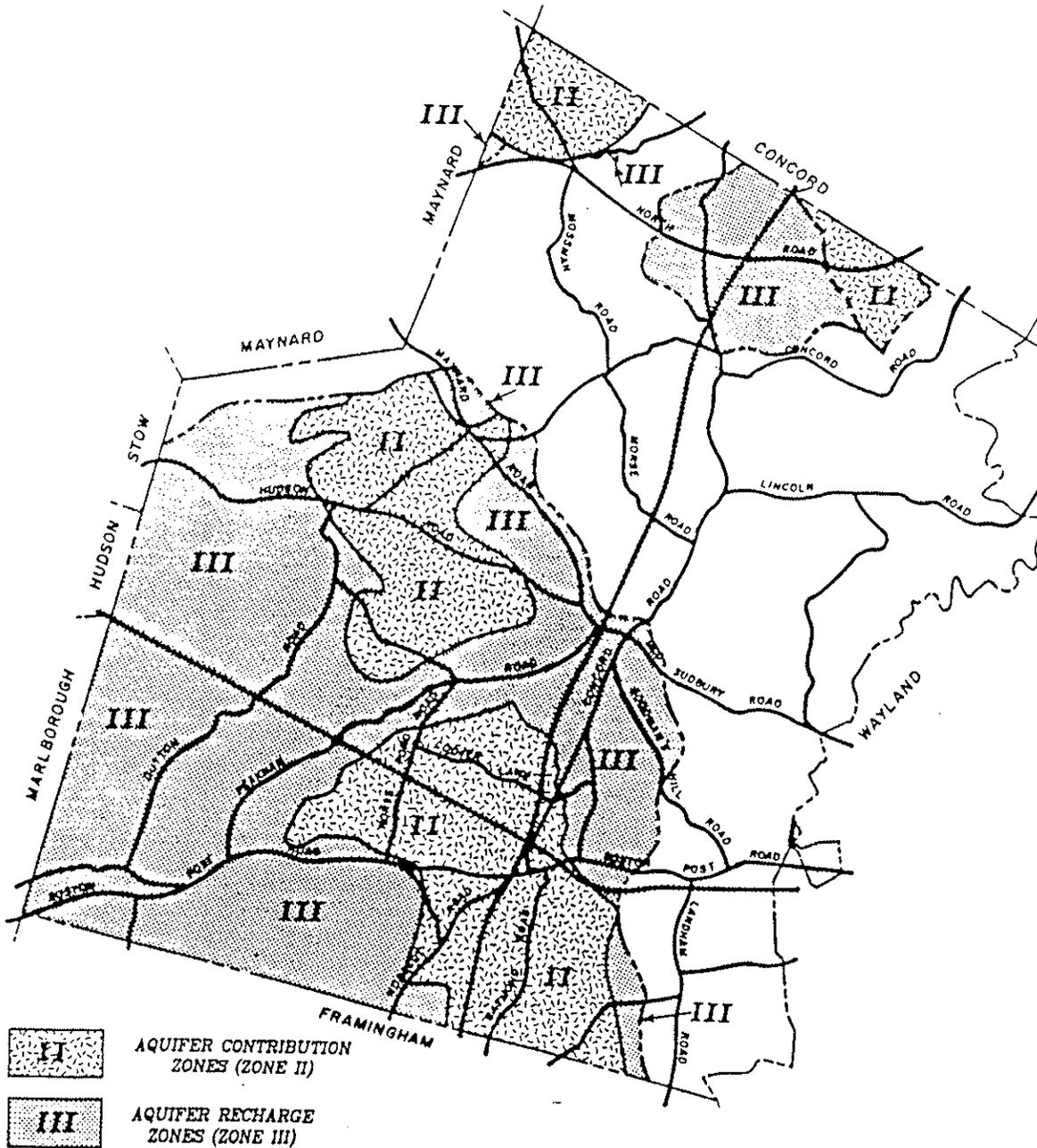
The motion under Article 20 to Indefinitely Postpone was presented to the voters and was **VOTED** by a hand vote.

APRIL 25, 1994

ARTICLE 48. AMEND ZONING BYLAW ARTICLE IX.I.I.c. - REVISE WATER RESOURCE PROTECTION DISTRICTS

To see if the Town will vote to amend Section IX.I.I.c - (the boundaries of Zone II and Zone III around Well 5, the Route 117 well) as shown on the Water Resource Protection Districts Map, Town of Sudbury, Revised and dated February 1, 1994; or act on anything relative thereto.

Submitted by the Planning Board



APRIL 25, 1994

L. Meixsell, Planning Board Member, *Moved to amend the Zoning Bylaw, Article IX,1,,c. - boundaries of Zone II and Zone III around Well 5, the Route 117 Well, as shown on the Water Resource Protection Districts Map, Town of Sudbury, revised and dated February 1, 1994.*

The motion received a second.

Mr. Meixsell explained the purpose of the motion under Article 48 was to revise the Water Resource Protection Districts Map, by substituting delineated Zone II around Well #5 (the Route 117 Well) and by revising the associated boundaries of Zone III around that well. The new boundaries were mapped and delineated by the Sudbury Water District and were approved by the Mass. Department of Environmental Protection.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: No position taken.

Conservation Commission Report: Recommended approval.

Board of Health Report: Recommended approval.

The motion under Article 48 was presented to the voters and was **UNANIMOUSLY VOTED**, by a hand vote.

APRIL 25, 1994

ARTICLE 49. AMEND ZONING BYLAW, ARTICLE IX.III.G
WATER RESOURCE PROTECTION DISTRICTS

To see if the Town will vote to amend Section IX.III.G. of Article IX of the Sudbury Zoning Bylaw, as follows:

1. By adding a new subsection 1.f (Purpose of Districts) as follows:

"f. To provide for monitoring of ground and surface water quality in areas of present and potential water supply sources to accomplish detection of potential contamination at an early stage, thereby minimizing damage to such sources.";

2. By adding new subsections 2.n and 2.p (Definitions) and renumbering the existing definitions accordingly as follows:

"n. Special Permit Granting Authority (SPGA) - The Special Permit Granting Authority under this Section III.G shall be the Planning Board.';

"p. Zone 1 - the protective radius required around a public water supply well or well field, measured as a 400 foot radius from the well.';

3. By adding the following language to renumbered subsection 2.0 (Definitions, "Toxic or Hazardous Materials"):

o. "and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.";

4. By inserting the following two sentences after the first sentence of subsection 3 (Scope of Authority):

"These overlay districts shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the Water Resource Protection Districts must comply with the requirements of these districts as well as those of the underlying zoning district.";

5. By revising subsection 4, paragraph 1 to read as follows:

"DELINEATION OF WATER RESOURCE PROTECTION DISTRICTS - Water Resource Protection Districts consist of well head areas (Zone I), aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III). Zone 1 is delineated as that area within a 400 foot radius of the well head of each public supply well. Zone II is that area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated. It is scientifically determined by the groundwater divides which result from pumping the well and by the contact of the edge of the aquifer with less permeable material such as till and bedrock. For wells which have not been hydrogeologically mapped, a default Zone II shall be utilized and is delineated on the basis of topography, groundwater flow and surface water drainage, and includes that area within a one-half mile (2,640 feet) radius of the well head of each public water supply well. Zone III is the land area beyond the area of Zone II from which surface water and groundwater drain into Zone II as determined by topography and surface water and groundwater drainage characteristics. In locations where the surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas. The Water Resource Protection Districts are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Water Resource Protection Districts, Town of Sudbury." This map is hereby made a part of the Sudbury Zoning Bylaw and is on file in the office of the Town Clerk.";

6. By deleting section 5.a.8), (Zone II Permitted Uses), in its entirety, and adding a new Section 5.a.8), as follows:

"8) Construction, maintenance, repair, and enlargement of drinking water supply facilities, such as, but not limited to, wells, pipelines, aqueducts and tunnels, but excluding underground storage tanks related to such facilities which are categorically not permitted.";

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7. By revising and adding to those uses prohibited in Zone II, Section 5.b, so that Section 5.b reads as follows:

"b. The following uses are specifically prohibited within Water Resource Districts, Zone II:

- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter III, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Protection, 310 CMR 19.00; {No Change}
- 2) Storage of liquid petroleum products, except the following: (a) normal household use, outdoor maintenance, and heating of a structure; (b) waste oil retention facilities required by statute, rule, or regulations; (c) emergency generators required by statute, rule or regulation; (d) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; {Revised}
- 3) Dumping of snow containing road salt or other deicing chemicals, which is brought into any particular Zone II or Zone III from outside that particular aquifer district; {Revised}
- 4) Facilities that generate, treat, store, or dispose of hazardous waste, except by the following: (a) very small quantity generators as defined under 310 CMR 30.00; (b) household hazardous waste collection centers and events under 310 CMR 30.390; (c) waste oil retention facilities required by MGL, Chapter 21, Section 52A; (d) water remediation treatment works approved under 314 CMR 5.00; {Revised}
- 5) Automobile graveyards and junkyards, as defined in Massachusetts General Laws, Chapter 140B, S.1: {New}
- 6) Individual on-site domestic sewage disposal systems (designed in compliance with Title V of the State Environmental Code) serving one- or two-family residences or serving business, industrial, research or institutional uses, which discharge more than 440 gallons per day per 40,000 square feet of lot area. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design is not prohibited hereunder. In cluster subdivisions, the total sewage flow allowed shall be calculated based on the number of percable lots in the entire parcel. Requests to increase the capacity of individual sewage disposal systems and those proposed for undeveloped lots above this limit may be permitted upon a written certification of the Sudbury Board of Health that a valid nitrogen loading analysis approved by DEP has been completed, which demonstrates that the DEP drinking water performance goal for nitrates of 5 mg/l will not be exceeded in any present or proposed public water supply well, in the relevant Water Resource Protection District, if the capacity of all sewage disposal systems at full build-out in the relevant district were to increase their capacities to the proposed volume. On lots legally in existence as of the effective date of this bylaw which contain less than 40,000 square feet of lot area, the discharge rate of any individual sewage disposal system shall be permitted up to a maximum limit of 440 gallons per day; {Revised}
- 7) Permanent removal, or regrading of the existing soil cover, except for excavations for building foundations, roads or utility works, resulting in a finished grade at a level less than eight (8) feet above the historical high groundwater (average for the preceding five (5) years), as determined from monitoring wells of, and the historical water table fluctuation data compiled by the United States Geological Survey (USGS), and the Board of Health data and monitoring wells, whichever is higher. Said average shall be adjusted in accordance with accepted monitoring and measurement principles to reflect drought. Earth removal or earth moving shall be subject to the provisions of subsection 5.g (Earth Removal or Earth Moving Procedures and Conditions); {Revised}
- 8) Boat or motor vehicle service or repair shops, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, establishments conducting dry cleaning on the premises, and print and photo processing operations; {Revised}

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- 9) Storage of uncovered animal manure; {No Change}
 - 10) Mining of land, except as incidental to a permitted use; {No Change}
 - 11) Landfilling of sludge or septage as defined in 310 CMR 32.05; {New}
 - 12) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31; {New}
 - 13) Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following: (a) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works; (b) the replacement of existing subsurface sewage disposal system(s) with wastewater works that will not result in a design capacity greater than the design capacity of the existing system(s); (c) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated ground water; {New}
 - 14) Industrial and commercial uses which discharge process wastewater on-site; {Revised}
 - 15) The use of septic system cleaners which contain toxic or hazardous materials: {New}
 - 16) Any floor drainage system in existing facilities, in industrial or commercial process areas or hazardous material and/or hazardous waste storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 2.00), connect the drain to a municipal sewer system (with all appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies; {New}
 - 17) Any use that will render impervious more than 15% of any lot, or 2500 square feet, whichever is greater, unless a special permit has been granted."; {Revised}
8. By revising and adding to those uses permitted in Zone II by special permit, subsection 5.c, so that subsection 5.c reads as follows:
- "c. The following uses and activities may be allowed by special permit within the Water Resource Protection Districts, Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.b:
- 1) Enlargement of alteration of pre-existing non-conforming uses to the Water Resource Protection District; {New}
 - 2) The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides, for nondomestic or nonagricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00; {Revised}
 - 3) The application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation; {New}
 - 4) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under subsection b.). Such activities shall require a special permit to prevent contamination of groundwater; {New}

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- 5) The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, rated for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements, provided such activities do not adversely affect water quality or quantity; {New}
 - 6) Those business, industrial, research and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resource Protection Districts and the interests to be protected thereunder; {No Change}
 - 7) Storage of animal manure, only when such storage is covered and contained within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate; {New}
 - 8) Storage of liquid hazardous materials which are in a freestanding container within a building or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity, of 100% of the total volume of liquid permitted to be stored, whichever is greater; {New}
 - 9) Storage of commercial fertilizers, as defined in M.G.L., Chapter 128, Section 64, within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate; {New}
 - 10) Storage of road salt or deicing chemicals unless such storage, including loading areas, is within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate; {New}
 - 11) Any use that will render impervious more than 15%, but less than 25%, of any lot, or 2500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells may be considered only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by forebays, or oil, grease, and sediment traps or other best management practices to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner."; {New}
9. By deleting section 5.d.7), (Zone III Permitted Uses), in its entirety, and adding new subsections 5.d.7) and 5.d.8), as follows:
- "7) Maintenance, repair and enlargement of any existing structure, provided no more than fifteen percent (15%) of a building lot is rendered impervious; and
 - 8) Construction, maintenance, repair and enlargement of drinking water supply facilities, such as, but not limited to, wells, pipelines, aqueducts and tunnels, but excluding underground storage tanks related to such facilities which are categorically not permitted.";
10. By revising and adding to those uses prohibited in Zone III, subsection 5.e, so that subsection 5.e reads as follows:
- "e. The following uses are specifically prohibited within Water Resource Protection Districts, Zone III:
- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Protection, 310 CMR 19.00; {No change}
 - 2) Storage of liquid petroleum products, except the following: (a) normal household use, outdoor maintenance, and heating of a structure; (b) waste oil retention facilities required by statute, rule, or regulation; (c) emergency generators required by statute, rule, or regulation; (d) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; except that the replacement of existing tanks or systems for the keeping, dispensing or storage of gasoline consistent with state and local requirements shall be permitted; {Revised}

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- 3) Facilities that manufacture, generate, treat, store, or dispose of toxic or hazardous wastes, except by the following: (a) very small quantity generators as defined under 310 CMR 30.00; (b) household hazardous waste collection centers and events under 310 CMR 30.390; (c) waste oil retention facilities required by Massachusetts General Laws, Chapter 21, s.52A; (d) water remediation treatment works approved under 314 CMR 5.00; {Revised}
- 4) Industrial and commercial uses which discharge process wastewater on-site; {Revised}
- 5) Individual on-site domestic sewage disposal systems (designed in compliance with Title V of the State Environmental Code) serving one- or two-family residences or business, industrial, research or institutional uses, which discharge more than 660 gallons per day per 40,000 square feet of lot area. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design is not prohibited hereunder. In cluster subdivisions the total sewage flow allowed shall be calculated based on the number of percable lots in the entire parcel. On lots legally in existence as of the effective date of this bylaw which contain less than 40,000 square feet of lot area, the discharge rate of any individual sewage disposal system shall be permitted up to a maximum limit of 400 gallons per day; {Revised}
- 6) Boat or motor vehicle service or repair shops, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, establishments conducting dry-cleaning activities on the premises, and print and photo processing operations: {Revised}
- 7) Mining of land, except as incidental to a permitted use; {No change}
- 8) Automobile graveyards and junkyards as defined in Massachusetts General Laws, Chapter 140B, S.1; {New}
- 9) Permanent removal, or regrading of the existing soil cover, except for excavations for building foundations, roads or utility works, resulting in a finished grade at a level less than eight (8) feet above the historical high groundwater (average for the preceding five (5) years), as determined from the monitoring wells of, and the historical water table fluctuations data compiled by the United States Geological Survey (USGS), and Board of Health data and monitoring wells, whichever is higher. Said average shall be adjusted in accordance with accepted monitoring and measurement principles to reflect drought. Earth removal or earth moving shall be subject to the provisions of subsection 5.g (Earth Removal or Earth Moving Procedures and Conditions); {Revised}
- 10) The use of septic system cleaners which contain toxic or hazardous materials; {New}
- 11) Landfilling of sludge or septage as defined in 310 CMR 32.05; {New}
- 12) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31; {New}
- 13) Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following: (a) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works; (b) the replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s); (c) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater; {New}
- 14) Storage of uncovered animal manure; {New} and
- 15) Any use that will render impervious more than 15% of any lot, unless a special permit has been granted."; {New}

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11. By revising and adding to those uses allowed in Zone III by special permit, subsection 5.f, so that subsection 5.f reads as follows:

- "f. The following uses may be allowed by special permit within Water Resource Protection Districts, Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.e:
- 1) Enlargement or alteration of pre-existing, non-conforming uses that do not conform to the Water Resource Protection Districts: {New}
 - 2) The application of pesticides, including herbicides, insecticides, fungicides, and rodenticide, for nondomestic or nonagricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00; {Revised}
 - 3) The application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on ground water due to nutrient transport, deposition, and sedimentation; {New}
 - 4) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning district (except as prohibited under subsection b.); {New}
 - 5) The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements, provided such activities do not adversely affect water quality or quantity; {Revised}
 - 6) Any use that will render impervious more than 15%, but less than 25%, of any lot, or 2500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells may be considered only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by forebays, or oil, grease, and sediment traps or other best management practices to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner; {New}
 - 7) Storage of uncovered manure, provided that such storage will not adversely affect the quantity or quality of water available in the Water Resource Protection Districts; {Revised}
 - 8) Storage of road salt or other deicing chemicals in quantities greater than for normal individual household use; {No Change}
 - 9) Dumping of snow containing road salt or other deicing chemicals which is brought into any Zone II or Zone III from outside that particular aquifer district; {Revised}
 - 10) Those business, industrial, research and institutional activities permitted in the underlying district with site plan review to prevent any adverse impact on the Water Resource Protection Districts and the interests to be protected thereunder; {No change}

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- 11) Storage of liquid hazardous materials which are in a freestanding container within a building or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity, or 100% of the total volume of liquid permitted to be stored, whichever is greater; {New}
 - 12) Storage of commercial fertilizers as defined in MGL, Chapter 128, Section 64, within a structure demonstrated to prevent the generation and escape of contaminated runoff and leachate; {New}
 - 13) The replacement or repair of an existing sewage disposal system (designed in compliance with Title V of the State Environmental Code) that will result in an increase in design capacity above 660 gallons per day per 40,000 square feet."; {New}
12. By adding a new subsection 5.g, as follows:
- "g. Earth Removal or Earth Moving Procedures and Conditions:
- 1) Plan Requirements - No special permit involving excavation shall be issued or renewed under this Section III.G until the applicant has submitted to the Special Permit Granting Authority a plan showing existing grades in the area from which material is to be removed, together with a plan showing the grades as they will be at the conclusion of the operation;
 - 2) Groundwater Monitoring - The grading plans must indicate maximum groundwater elevation throughout the entire area proposed to be excavated. Maximum groundwater elevation shall be determined by means of monitoring wells, test pits and soil borings during the months of March, April or May. Such tests shall be conducted by a Massachusetts Registered Professional Engineer at the expense of the applicant and shall be observed by a representative of the Special Permit Granting Authority or its designee. Test results shall be submitted to the Special Permit Granting Authority;
 - 3) Grading and Slopes - The plan showing the grades at the conclusion of the operation shall show no grades in excess of one foot of vertical rise in two feet of horizontal distance; 4:1 slopes are preferred;
 - 4) Permit Conditions - Special permits granted under this Section III.G involving excavation must be made subject to the following conditions, said conditions to be written in the permit and made a part thereof:
 - a) That proper and reasonable surface drainage of the land affected by earth removal operations be assured during and after the removal operation and further, that the quantity of runoff after removal operations are complete shall not exceed the quantity of runoff that left the site before excavation;
 - b) That areas that have been compacted by heavy machinery shall be scarified to a depth of at least 3 feet before topsoil is replaced;
 - c) That at the conclusion of the excavation operations, or of any substantial portion thereof, the whole area where excavation has taken place be covered with not less than eight inches of top soil and seeded with a suitable cover crop, except where ledge rock is exposed, and that all large stones and boulders which protrude above the finished grade are to be removed or buried;
 - d) That activities ancillary to the excavation, including, but not limited to, equipment and vehicle maintenance and storage of lubricants, fuels, solvents, and other chemicals associated with earth removal operations will be prohibited in Zone II;
 - e) That the applicant post a bond with the Treasurer of the Town in an amount determined by the Special Permit Granting Authority as sufficient to guarantee conformity with the provisions or conditions of the permit, the amount of the bond to be not less than \$5,000 per acre of land from which earth is to be removed.";

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13. By adding the following paragraphs to subsection 6.d (Special Permit Application Contents) after paragraph 1), and renumbering the existing paragraphs accordingly:

"2) The application shall contain a complete list of chemicals, pesticides, herbicides, fertilizers, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

3) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Town's Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include: (a) provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures; (b) provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; (c) evidence of compliance with the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00, including an EPA identification number from the Massachusetts Department of Environmental Protection;

4) The application shall include proposed locations for groundwater monitoring wells adequate to enable timely detection of potential contamination so as to prevent or minimize damage and remediation costs. The Special Permit Granting Authority may require periodic testing by the owner of the property and full disclosure of the test results from the laboratory directly to the appropriate Town boards and Sudbury Water District. The Special Permit Granting Authority may also impose requirements for reporting threats of contamination to appropriate Town agencies and the Water District;"

14. By revising subsection 4 (2nd paragraph), subsection 6.c.1) and 6.c.2), and subsection 6.d.6), as renumbered, by inserting the words, "or other such consultant" after the words "Massachusetts engineer"; and by inserting the words "or wastewater or toxic and hazardous waste" after the word "hydrogeology" wherever appearing therein;

15. By revising paragraph 6 in subsection 6.d (Special Permit Application Contents), as renumbered, by inserting the following after the sentence beginning with "At a minimum...":

"...and shall quantify the incremental effect of the proposed use upon surface and groundwater quality and quantity under the full range of potential wastewater discharge rates and groundwater flow and conditions, including the potential range of water supply withdrawal conditions and well pumping rates and durations.";

16. By inserting the following new paragraph 1) in subsection 6.f (Special Permit Approval Criteria), renumbering the existing paragraphs accordingly and adding language to paragraph 4), as renumbered, so that it reads as follows:

"1) Will in no way during construction or any time thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection District;"

4) Is appropriate to the natural topography, soils and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed;"

17. By adding a new subsection 8, as follows, and renumbering the following subsection accordingly:

"8. Violations and Enforcement

- a. Written notice of any violation of this section shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or

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remedy the violations and preventive measures for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Planning Board, Board of Health, Conservation Commission, Town Engineer and Sudbury Water District. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

- b. The owner and operator of any property for which a special permit has been issued hereunder shall notify the Building Inspector and the Board of Health of any known violation of the terms and conditions of such special permit. Such notification shall be given immediately (within 48 hours) after knowledge thereof, in person or by telephone, and shall be followed within two (2) weeks by written notice specifying the details of the violation. The owner and operator shall take all appropriate remedial action to cure such violation. Failure of the owner and operator to report a violation in a timely manner, or failure to take appropriate remedial action, or failure to otherwise comply with the terms and conditions of a special permit, or the requirements of the Board of Health or the Building Inspector, shall be sufficient grounds for revocation of the special permit.";

or act on anything relative thereto.

Submitted by the Sudbury Planning Board

L. Meixsell, Planning Board member Moved in the words of the article, except as follows:

- 1) In Item 8, Subsection 5.c, delete the wording of Paragraph 1) appearing on page 65, which reads:
"Enlargement or alteration of pre-existing, non-conforming uses
to the Water Resource Protection District;"

And substitute therefor the following:

"Enlargement or alteration of pre-existing uses prohibited by Section 5.b of this bylaw:"

and

- 2) In Item 7, Subsection 5.b, reword paragraph 6) appearing on pages 63 and 64 to read:

"Individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving one- or two-family residences and serving all uses within Zone II of Well #5, the Rte. 117 well, which discharge more than 550 gallons per day per 40,000 square feet of lot area; and individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving business, industrial, research or institutional uses in all other districts which discharge more than 1000 gallons per day per 40,000 square feet of lot area. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design is not prohibited hereunder. In cluster subdivisions, the total sewage flow allowed shall be calculated based on the number of percable lots in the entire parcel. Requests to increase the capacity of individual sewage disposal systems and those proposed for undeveloped lots above this limit may be permitted upon a written certification of the Sudbury Board of Health that a valid nitrogen loading analysis

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approved by the DEP has been completed, which demonstrates that the DEP drinking water performance goal for nitrates of 5 MG/L will not be exceeded in any present or proposed public water supply well, in the relevant Water Resource Protection District, if the capacity of all sewage disposal systems at full build-out in the relevant district were to increase their capacities to the proposed volume. On residentially zoned lots legally in existence as of the effective date of this bylaw which contain less than 40,000 square feet of area, the discharge rate of any individual sewage disposal system shall be permitted up to a maximum limit of 550 gallons per day;"; and

3) Delete items 9, 10 and 11 in their entirety.

The motion received a second.

Planning Board Report: The purpose of this article is to bring the existing Water Resource Protection District bylaw into conformance with the most recent Department of Environmental Protection (DEP) regulations for the protection of drinking water (310 CMR 22.21), and closely follows the state model bylaw developed by a committee, including the Department of Environmental Protection, Massachusetts Area Planning Council and the Water Supply Citizens Advisory Committee, under the direction of the Massachusetts Water Resource Authority.

The model bylaw responds to requests that local bylaws allow more flexibility while providing the required protection for water supply areas. Recent studies at the state and regional level have indicated the need to revise the uses authorized in Water Resource Protection Districts in order to further reduce the potential threats to groundwater quality.

Sudbury adopted its current Water Resource Protection Districts bylaw by a vote of Town Meeting in 1988. While the scope of the 1988 bylaw would remain relatively unchanged, the proposed use regulations in Zones II and III would be made more effective.

The Planning Board and the Sudbury Water District had placed this revised Water Resource Protection article on the warrant for consideration by the Town Meeting voters in 1992 and 1993. Both last year and the prior year the proponents had recommended, and the Town Meeting had concurred, that the article be referred back to the proponents so that the results of a proposed nitrogen loading study could be incorporated into the article. This has now been done. This year the Town Meeting should take action on the article in order to comply with the DEP requirements for water supply protection - particularly for wells opened last year and others proposed for future years.

Adequate protection of Sudbury's drinking water supply is one of the more urgent issues facing the Town, in light of present development pressures and the past development practices in and around our well fields. This article is intended to prevent further contamination of Sudbury's sources of water supply and thereby to reduce the costs to Sudbury taxpayers for water supply and wastewater cleanup and treatment operations.

Board of Selectmen Report: Recommended approval.

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Finance Committee Report: No position taken.

Conservation Commission Report: Unanimously recommended approval.

Board of Health Report: Recommended approval.

R. Coe of Churchill Street inquired why portions of the article dealing with Zone III were omitted from the motion. The explanation provided by Mr. Brooks of the Planning Board Was "The bylaws on the books for us right now provide coverage to some extent for Zone III. There are many elements within it that does protect the Town within that."

He noted the proposed additions within the Warrant provide a lot of additional thought. The difficulty the Planning Board had in coming to grips with this was that it would have required them to do what would have been a consensus or majority of the boards to pass that which would have been 'hacked' extensively for this Town Meeting. Realizing this would not be sensible, the Board agreed amongst themselves to take another view of it with more inputs and then bring it back.

The motion under Article 49 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

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ARTICLE 50. PURCHASE VOTING EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$42,200, or any other sum, to be expended under the direction of the Town Clerk, for the purchase of an optical scan voting system, and voting booths to be used therewith; and to determine whether said sum shall be raised by borrowing or otherwise; or to act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Cope of the Board of Selectmen Moved to Indefinitely Postpone Article 50. The motion received a second.

Explanation for the motion, though the Finance Committee was not supporting the article and "we are strapped financially", was "it would not be responsible to offer the question to the Town." She added "If the hall disagrees and decides to defeat the motion to Indefinitely Postpone, it will need a mechanism for funding it, and she noted the sources would be through the Stabilization Fund or to add the cost to the debt exemption.

Finance Committee Report: Recommended Indefinite Postponement.

The motion under Article 50 to Indefinitely Postpone was **VOTED** by a hand vote.

Article 51. Withdrawn

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ARTICLE 52. LSRHS - REMODELING ROGERS THEATER

To see if the Town will vote to approve the amount of the \$1,950,000 debt authorized on March 8, 1994, by the Lincoln-Sudbury Regional School District School Committee for the purpose of financing costs of reconstructing, equipping, remodeling and making extraordinary repairs to the regional high school, including costs incidental and related thereto; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional High School Committee

F. Pryor, Chairman of the L-S Regional High School Committee *Moved* that the Town approve the amount of \$1,950,000 debt authorized on March 8, 1994, by the L-S Regional School District Committee for the purpose of financing costs of reconstructing, equipping, remodeling and making extraordinary repairs to the Rogers Theater, including costs incidental and related thereto, provided, however that the aforesaid approval shall be subject to the passage by the Town of a Proposition 2-1/2 debt exemption respecting such borrowing.

The motion received a second.

L-S Regional High School Committee Report: In the spring of 1991, Earl R. Flansburgh & Associates, Inc. was selected to undertake a feasibility study which included the performing arts area of Lincoln-Sudbury Regional High School. The purpose of this study was to make recommendations to address both programmatic and physical deficiencies associated with each of these areas. The architect provided us with plans for renovating each of these spaces, which would provide a 300-seat theater and address structural and safety concerns within those areas. After discussions with the Finance Committees of both Lincoln and Sudbury, and assessing which proposal more closely met the programmatic needs of the school, the School Committee has voted to move forward with the reconstruction of the Rogers Theater. As a result, the Lincoln-Sudbury Regional School Committee is requesting authorization to borrow \$1,950,000 for this project.

Board of Selectmen Report: The Board took no position.

Finance Committee Report: Recommended disapproval.

The motion under Article 52 was presented to the voters and was **defeated** by a hand vote.

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ARTICLE 53. AMEND ZONING BYLAW, ARTICLE IX.III.A.1.b-
CUSTOMARY HOME OCCUPATION

To see if the Town will vote to amend Article IX of the Town of Sudbury Zoning Bylaw as follows:

Section b: Delete Section III.A.1.b entirely and replace with:

"b. Registered Home Business, provided that it:

- (1) is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
- (2) is clearly incidental and secondary to the use of the premises for residential purposes;
- (3) does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
- (4) does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
- (5) does not exhibit any exterior indication of its presence or any variation from residential appearance;
- (6) does not produce more than one more customer vehicle round trip per day to the occupation site;
- (7) is registered with the Zoning Enforcement Agent.;"

Add a new section, following Section b, as follows:

"c. Special Permit Home Business, provided that:

- (1) it fully complies with Section IX, III,A,1,b,(2),(3) and (4) above;
- (2) it is conducted within a dwelling, or within a building accessory to a dwelling, solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than one additional employee;
- (3) it does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate compliant with Section IX,V,D,6,a;
- (4) a permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips.;"

And to have the Town Clerk renumber the current sections c, d and e where necessary; or act on anything relative thereto.

Submitted by the Board of Appeals

Chairman Phelps of the Board of Appeals *Moved in the words of the Article.*

The motion received a second.

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Board of Appeals Report: Currently, the Zoning Bylaw gives each resident the right to operate a small business, (called a "customary home occupation") from his or her home, provided that a Special Permit is granted by the Board of Appeals. Under the current bylaw, no distinction is made between home businesses which could affect adjoining property and those which show no outward sign of their presence. This article divides home businesses into two categories called Registered Home Businesses and Special Permit Home Businesses. This article provides a more convenient method of approval for the more innocuous Registered Home Business, while retaining the existing strict conditions of the Special Permit process for more intensive Special Permit Home Businesses. *No home business prohibited by the present law, will be permitted by this article, and conversely, no home business permitted by the present law will be prohibited by this article. In addition, property owners will retain their right to appeal all decisions rendered by the Zoning Enforcement Agent under the provisions of this article.*

Board of Selectmen Report: Recommended approval

Finance Committee Report: No position was taken.

Planning Board Report: Unanimously recommended approval.

After considerable discussion, a motion to Move the Question was made and seconded. The Moderator declared there was a clear 2/3rds vote and debate was terminated.

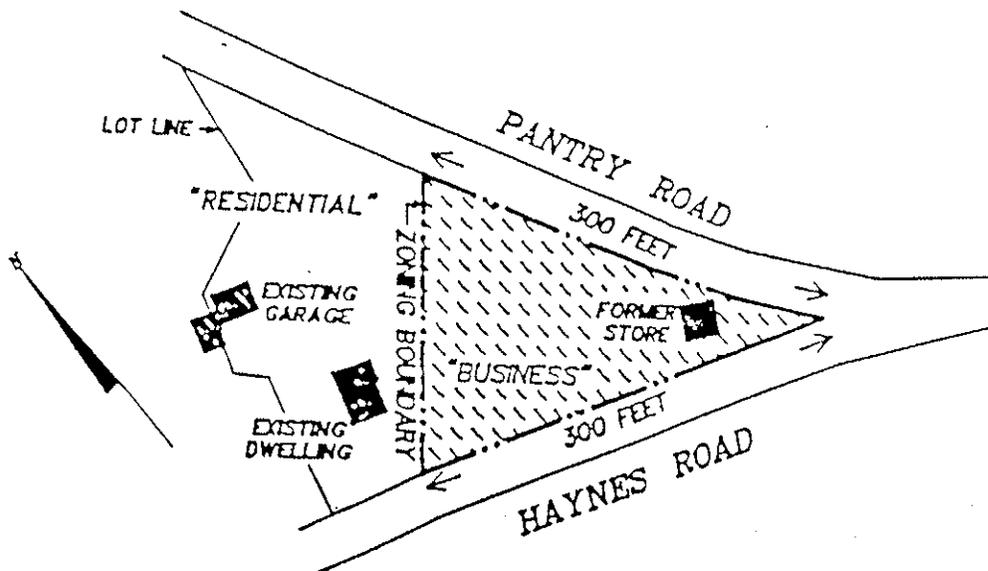
The main motion under Article 53 was presented to the voters. It appeared to the Chair there was a clear 2/3rds vote in favor, however, he called it again giving those who voted in the negative the option of abstaining. He then declared the motion under Article 53 was **UNANIMOUSLY VOTED** by a hand vote.

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ARTICLE 54. AMEND ZONING BYLAW, ARTICLE IX.II.C-
DELETE BUSINESS DISTRICT 10

To see if the Town will vote to amend Section IX, II, C of the Sudbury Zoning Bylaw by deleting Business District #10 in its entirety; or act on anything relative thereto.

Submitted by Sudbury Planning Board



R. Brooks of the Planning Board Moved to refer Article 54 to the Planning Board.

The motion received a second.

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Mr. Brooks explained the reason for the referral motion was the Board had not been able to meet the commitment it made at the 1993 Annual Town Meeting when a similar article to rezone Business District #10 to residential had been submitted by petition. At that time the Board believed the article should be considered in perspective of all of the relevant current business districts, not just the one at Pantry Road and it promised to bring more generalized rezoning articles to Town Meeting. Additionally, there was need for sufficient dialog with the current owners within all business districts to determine whether they accept or even support such rezoning back to residential. Such dialog had not been accomplished prior to this town meeting, therefore the request to refer Articles 54 and 55.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: No position taken.

The motion under Article 54 to refer was presented to the voters and it was **VOTED** by a hand vote.

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ARTICLE 55. AMEND ZONING BYLAW, ARTICLE IX,II,C - DELETE BUSINESS DISTRICT 9

To see if the Town will vote to amend Section IX,II,C of the Sudbury zoning Bylaw by deleting Business District #9 in its entirety; or act on anything relative thereto.

Submitted by Sudbury Planning Board

R. Brooks of the Planning Board *Moved to refer Article 55 to the Planning Board.*

The motion received a second.

Explanation for the motion to refer was the same as that for Article 54.

The motion under Article 55 was presented to the voters and was **VOTED** by a hand vote.

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ARTICLE 56. AMEND ZONING BYLAW, ARTICLE IX, III, D - ADD
RESIDENTIAL USES TO RESEARCH DISTRICT

To see if the Town will vote to amend Article IX, Section III.D, Permitted Uses in Research Districts, by adding the following new permitted use:

"h. all uses permitted in Single Residence Districts "A", subject to the intensity regulations applicable to the Single Residence Districts "A".";

or act on anything relative thereto.

Submitted by Petition

D. Wallace, petitioner and former Selectmen, *Moved to postpone consideration of Article 56 until the first order of business tomorrow night or the next to last order of business tonight.* The motion received a second.

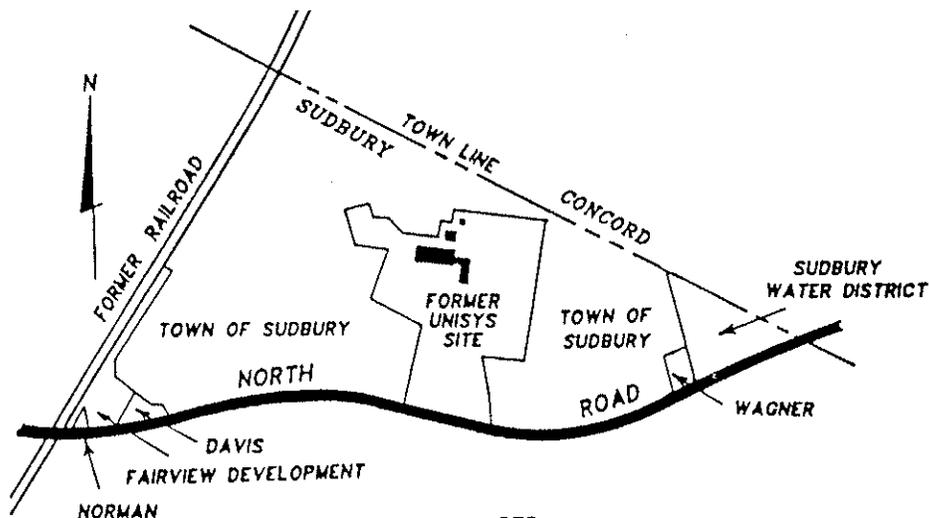
Mr. Wallace's explanation for the motion was the Planning Board at its meeting earlier in the evening took a close vote not to support Article 56. According to Mr. Wallace, "After a prolonged meeting with the Planning Board tonight, it requested more time to reconsider its position on whether to support the motion which I've brought before you." In further explanation, Mr. Wallace stated, "I am representing a developer who hopes to have Article 57 passed, in which nursing home use in the Research District will be allowed. To make this project work, there is need for Article 56 to pass, which would allow residential housing in the Research Zone." Wallace expressed hope to have the support of the Planning Board on this Article. By supporting the motion to 'postpone' the Planning Board would have an opportunity to reconsider its position.

Board of Selectmen Report: No position was taken.

Finance Committee Report: No position was taken.

Ursula Lyons of the Planning Board clarified "What was not said by Mr. Wallace inadvertently or not—the Planning Board did not vote against Article 56 because we felt that residential development was not in the best interests of the Town at this time. We did support Article 57, which allows congregate housing because we felt the town did ask for this, along with Cummings Properties who is the owner of the former Unisys property. Mr. Wallace mentioned we had a prolonged meeting. It was all of maybe ten minutes and the meeting consisted of asking the Planning Board to look at an amendment to the article. That was not mentioned tonight". Ms. Lyons remarked she really wanted to clarify this as the Planning Board has been accused of taking its time and of being maybe an obstructionist. We want to do what's best for the Town. When we are presented with an amendment at the eleventh hour, we cannot vote in ten minutes. We really haven't made a decision on it yet, but we hope it will be in the best interest of the Town to at least postpone it until tomorrow.

The motion under Article 56 to postpone was presented to the voters and it was VOTED by a hand vote.



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ARTICLE 57. AMEND ZONING BYLAW, ARTICLE IX.III.D -
PERMITTED USES IN RESEARCH DISTRICT

To see if the Town will vote to amend Article IX, Section III.D (Permitted uses in Research Districts), by deleting the permitted use (a) and substituting the following:

"a. Research, development or engineering work on lots of 20 acres or more in size.";

and by adding the following new uses:

"h. nursing homes.

i. residential care facilities which provide assisted and/or independent living to persons 55 years or older in one or more buildings.

j. accessory uses to those permitted in the district, including but not limited to: centers providing services incidental to the primary use on a daily basis, outpatient medical services, day care centers and social service offices; provided that these accessory uses are limited to no more than 20% of the total floor area of the entire site and are directly related to the primary use on the site.

k. Notwithstanding any other provision of this Bylaw, the height limitation for uses permitted in sections h. and i. above shall be 45 feet without limitation as to the number of stories.";

or act on anything relative thereto.

Submitted by the Planning Board

J. Rhome, Chairman of the Planning Board, *Moved to postpone consideration of Article 57 to follow immediately after Article 56.*

The motion received a second.

Mr. Rhome explained the motion to postpone was being made for the same reasons Mr. Wallace had set forth.

Neither the Board of Selectmen or the Finance Committee took a position on the motion to postpone.

The motion under Article 57 to postpone was placed before the voters and was **VOTED** by a hand vote.

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ARTICLE 58. AMEND ZONING BYLAW, ARTICLE IX - PRESERVATION OF LOTS

To see if the Town will vote to amend the Sudbury Zoning Bylaw by adding a new Article to be numbered by the Town Clerk, as follows:

"RESERVATION OF LOTS

1. Purpose

To provide, as a matter of public policy, and within the subdivision process, a means to address the affordable housing needs of the Town and to encourage housing for persons of all income levels in the Town of Sudbury, particularly, and to the extent permitted by law, for Town employees, residents of the Town and their children. This bylaw is specifically intended to carry out the statutory objectives set forth in Chapter 808 of the Acts and Resolves of 1975.

2. Required Reservation of Land

In all new conventional residential subdivisions, the Planning Board shall require as a condition of approval that a minimum amount of land be reserved by the developer for purchase by the Town or its designee for housing purposes, except as provided in Section 4. The following standards shall apply:

- a. Minimum tract size: The requirement for reservation of land shall apply to all tracts containing at least five (5) times the area required for a single family house lot in the underlying zone.
- b. Minimum area to be reserved: At least ten (10) percent of the tract shall be reserved for housing purposes.
- c. Location of lots: The Planning Board shall designate on the plan the specific portion of the tract to be reserved. Such land may be in one or more locations within the subdivision as the Board may determine.
- d. Period of reservation: The land shall be reserved for a period of three (3) years from the date of Planning Board endorsement of the definitive subdivision plan. If the Town, or its designee, fails to purchase the reserved land within the reservation period, the land will be released automatically from reserve status and the developer shall be allowed to develop the land and sell the lots.
- e. Just compensation: The Town or its designee shall pay just compensation for that portion of the reserved land which the Town or its designee elects to purchase.
- f. Maximum number of units of reserved land: No more than one (1) housing unit shall be built for every 20,000 square feet of land purchased or acquired by the Town or its designee under this Bylaw. Duplexes shall be permitted on any lot developed by the Town or its designee for affordable housing purposes.
- g. Applicability: The reservation shall be effective for the owner, developer, and any successors in interest, whether through purchase, default, bankruptcy, or other acquisition.

3. Exemptions

- a. The requirement established herein for reservation of land shall not apply to residential cluster subdivisions or incentive developments.
- b. The requirement for reservation of land shall not apply to a subdivision tract created from a larger tract which was subject to reservation of land for housing purposes.

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- c. Where the reservation of at least ten (10) percent of the area of the subdivision tract results in reducing the number of lots which could otherwise be obtained by more than twenty (20) percent, the Planning Board may reserve a lesser amount of land, but in no event less than one half (.5) acre, unless the reservation of one half (.5) acre of the buildable land results in reducing the number of lots which could otherwise be obtained by more than twenty percent (20%), in which case the requirement for reservation of land shall not apply.
- d. If the Planning Board determines what the reservation of at least ten percent (10%) of the tract results in a subdivision layout which is deleterious to the Town, the Board may reserve a lesser amount of land.

4. Options in Lieu of Reservation

Notwithstanding provisions in Section 2 and 3 above, the Planning Board may, at its discretion, and at any time during the reservation period, release a developer from the requirements for the reservation of land provided that the Selectmen have agreed to accept, at no cost to the Town, for affordable housing purposes adequate alternative contributions of land, housing, or money to the Town or its designee.

In releasing the developer from the reservation requirements, the Planning Board shall find that the alternative proposal adequately addresses the purposes of the bylaw while being sufficiently advantageous to the Town to warrant departure from the reservation requirement.

5. Rules and Regulations

The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this bylaw, Chapter 40A of the General Laws and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk.";

or act on anything relative thereto.

Submitted by the Inclusionary Zoning Study Committee

Amy Lepak of Jarman Road *Moved in the words of the article except :*

a) *In the first sentence, add the word "affordable" before the word "housing";*

b) *Substitute the following for Paragraph 2.a:*

"Minimum tract size: The requirement for reservation of land shall apply to all residential subdivisions containing five (5) lots or more."

c) *Substitute the following for Paragraph 2.b:*

"Area to be reserved: At least ten (10) percent, but no more than fifteen (15) percent, of the tract shall be reserved for affordable housing purposes."

d) *In Paragraph 2.c, insert after the words "The Planning Board shall" the words: ", in consultation with the Conservation Commission.";*

2. *In part 3, Exemptions, Paragraph b, before the word "housing", insert the word "affordable".*

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The motion received a second.

Inclusionary Zoning Study Committee Report: This article is presented in a continuing effort to increase the availability of housing in Sudbury for low and moderate income people and families. The basic provision of the article requires residential developers of five lots or more, to reserve 10% of the area being developed for Town purchase for housing purposes. Builders of incentive (if approved at this Town Meeting) and cluster developments are exempt. The reservation lasts for three years, after which the restriction is automatically lifted and the developer may build on the land in the normal manner. If the developer wishes to remove the restriction prior to the three-year limit, a cash buyout can be negotiated. The resulting monies will be used by Sudbury for housing purposes.

Board of Selectmen Report: No position was taken.

Finance Committee Report: No position was taken.

Planning Board Report: Under this Article, Reservation of Lots, the Board believed there would be additional focus to the affordable housing issue within Sudbury. Reservation of lots is a concept based upon existing Mass law and Sudbury bylaw implementation of reservation of lots for open space. Recommended approval.

Sudbury Housing Authority Report: It was the Authority's view that Sudbury was once an economically diverse community. It had a mix of skills and viewpoints and priorities that made the town vibrant, strong and vital. With the extensive development of the last three decades, Sudbury has become much more homogenous. It's become more affluent and professional and isolated from mainstream America. According to Mr. Swanger, this was not healthy. He stated there was need today for rental housing for low-income families, affordable homes for sale to moderate-income first-time home buyers and rental and/or condo units for moderate- and upper-income Sudbury residents whose children have left home and are now in houses that are beyond their need and ability to maintain. He noted both Article 58 and Article 59 offer the Town those additional tools to restore the kind of diversity on which Sudbury was originally built. Therefore, the Housing Authority strongly endorsed Article 58.

John Cutting of Maynard Road Moved to amend Article 58 by deleting Paragraph 2, Subsection e, and substituting as follows: "e. Compensation: The Town or its designee shall pay a fair market value for that portion of the reserved land which the Town or its designee elects to purchase."

The motion received a second.

Mr. Cutting Believed Article 58 was targeted, intentionally or not, at the few remaining families who happen to own open space in Town. His concern was the term "just compensation" was not the precise term and is most commonly associated with "eminent domain" proceedings. Families who have maintained private, open land might be subjected to a taking for this special interest purpose. He believed the more precise wording removes this aspect from consideration and puts funding of low-, moderate-housing projects on an equal basis, funding basis, among citizens.

There was a question as to whether a piece of land having this "reservation" on it for three years under the Zoning Bylaw, would have a fair market value the same as any other piece of land that didn't have such a 'reservation".

Considerable discussion followed, then the motion to amend was placed before the voters and it was **VOTED** by a hand vote.

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L. Blacker noted this Article was not economically driven, as banks are reluctant to lend on this basis due to people's prejudices, i.e. Do you want to buy a lot for \$200,000 thinking that maybe next door to you will be a low- or moderate-income house. In order to sell the lot, a developer must offer the lot to the Town and pay it to get rid of the restriction or exclusion so people will in fact buy the lot.

Due to many questions put forth, Town Counsel offered the following, "What this bylaw does, is that it requires a certain percentage of each lot for use, at fair market value, by the Town, if it elects within three years to buy it."

Ralph Tyler of Deacon Lane urged defeat of Article 58, He noted there haven't been any proposals from the Housing Authority for the Town to buy land. Instead, the focus has been on what he referred to as "the extortion component" which would be for three years the developer would be told he can't use his land, though his capital is tied up. There would be no compensation to the developers for holding their property. He referred to this as "blatantly unfair" and questioned its legality.

Martha Coe of Churchill Street proposed the following amendment: *Move to amend by inserting the following Paragraph number 6 at the end of the main motion: "Paragraph 6. Affordability Provisions, Subparagraph A. Definitions; Subparagraph 1. 'Affordable' shall mean having a purchase price within the capability of persons of low or moderate income under the then prevailing mortgage underwriting guidelines, assuming a down payment of not more than 5% as set forth in the then current income guidelines of the local initiative programs issued by the Massachusetts Office of Communities and Development.*

The motion to amend was seconded.

Explanation for the motion to amend was that the word "affordable" had been added to Article 58. This amendment merely used the same definition for the word 'affordable' as it was defined in Article 59.

The motion to amend was presented to the voters and it was **VOTED** by a hand vote.

Conservation Commission Report: Recommended approval.

J. Rhome, Chairman of the Planning Board, speaking as an individual, stood in opposition to Article 58. He explained the general idea when affordable housing first came into existence was the state or the towns would come up with the money to build affordable housing. This just didn't happen when land became more and more expensive. Towns such as Weston, Wellesley, Wayland and Sudbury have not met their quotas of what they're supposed to be doing for affordable housing, as the taxpayers of the state and the towns simply have not wanted to come up with that sort of money. People than began to try to figure how they were going to get this affordable housing without spending any of the taxpayers' money. He remarked, "It rubs me the wrong way, quite frankly, to try to pass the buck over to developers, people that have land, and to do it the way this article does it. We make them hold a part of their tract open to give the Town an option to buy. It means entire plans have to be held up for three years while the town decides whether it wants to buy or not. There are ways to put incentives there for developers so they will get something back in return for building affordable housing.

Following several other discussions on Article 58, there was a motion to *Move the question*. This received a second. The Moderator declared there was a clear 2/3rds and debate was terminated.

The main motion as amended under Article 58 was presented to the voters and was defeated.

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ARTICLE 59. AMEND ZONING BYLAW ARTICLE IX.IV.E- INCENTIVE DEVELOPMENT

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, Section IV, entitled: "Intensity Regulations", by adding a new Section E entitled: "Incentive Development", to read as follows:

"E. INCENTIVE DEVELOPMENT - The Planning Board shall grant a Special Permit for an Incentive Development in Single Residence "A", Single Residence "C" and the Wayside Inn Historic Preservation Residential Zone Districts for single family detached dwellings and accessory structures, provided the applicant for said Special Permit has complied with all of the provisions of this section:

1. Purpose - The purposes of the Special Permit for an Incentive Development are to:
 - a. Encourage more affordable and diverse housing types;
 - b. Provide housing opportunities to Sudbury residents, employees and low/moderate income persons within the town borders.
2. Rules and Regulations - The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this section of the bylaw, Chapter 40A of the General Laws and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk.
3. Definition/Applicability - An Incentive Development means the development of residentially zoned property, or a set of contiguous properties in common ownership, in a residential zone, into more than five (5) building lots, and for which the developer obtains an increase in the allowed density of development, in return for providing a percentage of affordable housing in the development. The increased density shall be in the form of modified dimensional requirements and additional building lots, as hereinafter set forth. The number of additional lots permitted and the number of affordable lots required is detailed in the following chart.

<u># Lots Under Conventional Development Plan</u>	<u># Additional Lots (Market Rate)</u>	<u># Affordable Units Required</u>	<u>Total # of Lots</u>
6	1	1	8
7	1	1	9
8	1	1	10
9	1	2	12
10	1	2	13
11	1	2	14
12	1	2	16
13	1	3	17
14	1	3	18
15	1	3	19
16	2	3	21
17	2	3	22
18	2	3	23
19	2	4	25
20	2	4	26
21	2	4	27
22	2	4	29
23	2	5	30
24	2	5	31
25	2	5	32

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For developments larger than 25 lots, the density increase and number of affordable units required shall be calculated as follows:

Number of conventional lots x .30 = number of additional lots permitted (round number as described below).

Number of conventional lots + number of additional lots = maximum number of lots in Incentive Development.

Maximum number of lots permitted in Incentive Development x .15 = number of affordable units (round number as described below).

Number of additional lots permitted - number of affordable units = number of additional market rate lots.

Fractions of less than one-half (1/2) of a dwelling shall be rounded downward, and fractions one-half (1/2) or more shall be rounded upward in determining the number of dwellings subject to affordability limitations.

4. Affordability Provisions -

a. Definitions

- (1) "Affordable" shall mean having a purchase price within the capability of persons of low or moderate income under then prevailing mortgage underwriting guidelines, assuming a down payment of not more than five percent (5%), as set forth in the then current income guidelines of the Local Initiative Program issued by the Massachusetts Executive Office of Communities and Development.
- (2) "Low Income" means up to fifty percent (50%) of the median income of the Boston Standard Metropolitan Statistical Area (SMSA).
- (3) "Moderate Income" means fifty-one to eighty percent (51% - 80%) of the median income of the Boston SMSA.

b. Development Guidelines

- (1) Affordable units shall be made available for sale to eligible persons of either low income or moderate income, or a combination of both. To the extent legally permissible, purchase prices for affordable units shall be permanently restricted, by way of deed restrictions, covenants or other appropriate mechanisms, so as to ensure long term affordability.
- (2) Affordable units shall be located within the development and dispersed throughout the development, and shall be compatible with and generally comparable to the development's market-rate units in terms of location, quality and character, external appearance and lot size.
- (3) In those instances where at least two (2) affordable units are required, a duplex structure {two (2) dwelling units per lot} shall be permitted. The lot and dwelling unit density of the development shall not be increased on account of the utilization of duplex structures. The appearance of such duplex(es) shall be similar to a single family dwelling and only one main entrance shall face the street.
- (4) As a condition of the special permit, the Planning Board may require the developer to grant the Town of Sudbury, or its designee, an option to purchase one (1) or more of the affordable units in the development, at a price equal to that for which the unit would otherwise be eligible for sale to persons of low income or moderate income.

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5. Dimensional Requirements

- a. The minimum area and frontage of building lots in an Incentive Development shall be as follows:

Single Residence "A" = 20,000 sq. ft. lot area/90 feet frontage

Single Residence "C" = 30,000 sq. ft. lot area/105 feet frontage

Wayside Inn Historic Preservation Residential Zone = 2 acres lot area/105 feet frontage
- b. Any lot in an Incentive Development which falls partially or entirely within any Water Resource Protection District Zone II must comply with the full lot area requirement of the underlying zone.

6. Procedures

- a. The Planning Board shall be the Special Permit Granting Authority for Incentive Developments.
- b. Prior to filing an application, the applicant shall meet with the Planning Board for an informal discussion to discuss the proposal and to determine whether the development meets the requirements of this Subsection E.
- c. Applicants for an Incentive Development Special Permit shall file with the Planning Board no less than three (3) copies of the following:
 - (1) A preliminary subdivision plan showing the development of the property under the applicable provisions of the Zoning Bylaw without regard to this subsection. Such plan shall conform to the provisions described in Section IV, B of the Planning Board's Rules and Regulations Governing the Subdivision of Land for a Preliminary Subdivision Plan. Such plan shall be accompanied by a report from the Board of Health stating which lots on said plan contain soil conditions suitable for sub-surface sewage disposal in accordance with the rules and regulations of the Town of Sudbury and applicable laws and regulations of the Commonwealth of Massachusetts. The plan shall also delineate the official wetland area boundaries, as accepted by the Sudbury Conservation Commission, within the development and abutting properties.
 - (2) An "Incentive Development Site Plan" showing, at a minimum, all of the information required for a definitive subdivision plan, as specified in the Planning Board's Subdivision Rules and Regulations Governing the Subdivision of Land, and including the proposed location of affordable units.
 - (3) Any additional information determined necessary by the Planning Board to make the determinations and assessments cited in paragraphs 3 and 4 above.
- d. In order to facilitate the creation of affordable housing units in Sudbury which will count toward the ten percent (10 %) statutory goal (Massachusetts General Laws Chapter 40B, Section 20), all applicants for a special permit shall be furnished with copies of the regulations and guidelines of the Massachusetts Executive Office of Communities and Development for approval of the development's affordable units as affordable housing units for purposes of the statutory goal. Such regulations and guidelines shall include those of the local Initiative Program and any other program designed to promote the creation of certifiable affordable housing units. After issuance of a Special Permit for an Incentive Development in which the affordable units are to be occupied and operated in accordance with any of such programs, the Board of Selectmen shall make

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application to the Executive Office of Communities and Development for certification of the units as affordable housing units includable in the Town's inventory of low and moderate income housing for the purposes of Chapter 40B of the Massachusetts General Laws. Such application may, at the discretion of the Board of Selectmen, be made prior to actual issuance of the Special Permit.

- e. All deed restrictions, covenants, and other documents necessary to ensure compliance with this subsection shall be executed and approved by the Planning Board prior to, and as a condition of, (i) release of any lots from the covenant required under section IV,C of the Planning Board's Rules and Regulations Governing the Subdivision of Land, or (ii) the issuance of a building permit for any lot, whichever first arises.
 - f. No certificate of occupancy shall be issued for any market-rate units in an Incentive Development until all of the required affordable units have obtained a certificate of occupancy or unless bonding or other arrangements have been made to ensure the provision of such units;
7. Decision - The Planning Board shall approve a special permit for an Incentive Development provided that the applicant has complied with all of the provisions of this section of the bylaw.

The granting of an Incentive Development Special Permit shall in no case be construed as an approval under the Subdivision Control Law.

At the request of the applicant and subsequent to granting of a Special Permit, the Planning Board may permit, without initiating a new Special Permit proceeding, the relocation of lot lines within the development. Any change in any other conditions stated in the original Special Permit shall require written approval of the Planning Board. The Planning Board may require a new Special Permit if it finds that the proposed changes substantially deviate from the conditions upon which the original Special Permit application was based.

8. Severability - The invalidity of any portion or provision of this Subsection E, Incentive Development, shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.
9. Nothing in this Subsection E of the bylaw shall be construed so as to require any person owning land subdividable into five or more lots, to submit the same to the provisions of this subsection.";

Submitted by the Inclusionary Zoning Study Committee

Ms. Lepak of the IZSC Moved in the words of the Article.

The motion received a second.

Inclusionary Zoning Study Committee Report: This bylaw is submitted as a "win-win" method of developing privately built, affordable housing for purchase in Sudbury. Depending on the size of a development over five (5) units, a developer will be granted an extra market rate lot, or lots, in return for building specified affordable housing within the new development. Unlike the bylaw proposed last year, this bylaw does not allow a cash buyout. Anyone developing under the Incentive Zoning Bylaw would be required to build affordable housing within the parcel being developed. Incentive development is a strategy for creating affordable housing without direct public subsidies. Developers of large parcels would be given an extra lot or lots for market rate development in return for providing the Town with one or more affordable units within the development. Extra lots would be produced by reducing the average lot sizes, however no lot may be smaller than half an acre.

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Board of Selectmen Report: Unanimously recommended approval.

Finance Committee Report: No position was taken.

Planning Board Report: Recommended approval.

Sudbury Housing Authority: Recommended approval.

Ralph Tyler of Deacon Lane expressed his surprise the FinCom did not take a position on Article 59 due to the financial impact there would be from such a zoning change. There would be lower evaluations for the affordable housing constructed and the families would require town services in the schools. Mr. Tyler believed it was the right of the voters to understand what that financial impact may be.

After lengthy discussions and debate on Article 59, the main motion was placed before the voters. The Moderator, uncertain of the hand vote, called for a standing vote. Still uncertain, he then called for a counted vote.

The vote was as follows: Total number of voters - 219, requiring 146 votes or 2/3rds for passage of Article 59.

YES: 136 NO: 83 The motion under Article 59 was defeated.

It being 10:30 P.M., the meeting was adjourned until tomorrow evening at 7:30 P.M. when the first order of business would be those articles postponed from this evening.

The meeting was adjourned at 10:30 P.M.

Attendance: 353

ADJOURNED ANNUAL TOWN MEETING

APRIL 26, 1994

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1994, the inhabitants of the Town of Sudbury qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, April 26 for the eighth session of the Annual Town Meeting. A quorum being present, the meeting was called to order at 7:36 p.m. and the first order of business was Article 56, which had been postponed from the evening before.

{Complete discussion under each Article is available at Town Clerk's Office}

ARTICLE 56. AMEND ZONING BYLAW ARTICLE IX, III, D - ADD RESIDENTIAL USES TO RESEARCH DISTRICT

To see if the Town will vote to amend Article IX, Section III, D, Permitted Uses in Research Districts, by adding the following new permitted use:

- "h. all uses permitted in Single Residence Districts "A", subject to the intensity regulations applicable to the Single Residence Districts "A".";

or act on anything relative thereto.

Submitted by Petition.

D. Wallace, the petitioner and former Selectman, *Moved to amend Article IX, Section III, D, Permitted Uses in the Research District by adding the following new permitted use "h. All uses permitted in Single Residence Districts 'A', subject to the Intensity Regulations applicable to the Single Residence Districts 'A', in that area of the Research District extending 600 feet northerly from North Road, Route 117, into said district.*

The motion received a second.

Mr. Wallace explained that he was representing a long time friend and developer who was presently negotiating with the owners of the site, Cummings Properties of Woburn, and a major operator of nursing homes. The motion before the voters would permit the remodeling of the former Unisys Sperry office building into a 135-bed nursing home and eventually adjacent to it a development of clustered residential facilities on the twenty-five acre site for assisted and independent living for the elderly. In addition there would be a small five-home subdivision on the front portion of the site adjacent to Route 117. Presently only business and research uses are permitted in the Research District, but with the passage of Article 56 and Article 57 a new zone would be created in which a nursing home and elderly congregate care facilities would be allowed. Mr. Wallace further explained, the change added in the motion to include the 600-foot restriction would permit the developer to construct the five-home division and at the same ensure the construction of the nursing home and the elderly housing.

Reviewing briefly the history of this site location, Mr. Wallace noted in 1991 at a Special Town Meeting, when he was a Selectmen, the voters approved the purchase of 75 acres of the site for Sudbury and to expand the uses permitted in the Research District to include an Office Park. In 1992, the Cummings Properties acquired the remaining 25 acres in Sudbury, which includes the present vacant building, while the Town of Concord purchased the remaining 40 acres in its town adjacent to White Pond. Mr. Wallace noted his comments were only for the 25 acres and not the town's 75 acres, therefore it was important the Town encourage appropriate use of the 25-acre Cummings site. He stated it was desirable from both an economic land use - an approximate increase of \$20,000 in real estate taxes alone for the five houses, without any appreciable demand for services - and an aesthetic point of view. He urged the passing of both Articles 56 and 57 as "all of Sudbury's citizens would benefit by encouraging appropriate use of the Cummings property. In addition, the town will have the ability to construct housing in the future on part of its 75 acres..."

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Board of Selectmen Report: Recommended support of Articles 56 and 57.

Finance Committee Report: Committee took no position on these two articles.

Planning Board Report: Richard Brooks speaking for the Planning Board stated its support of Article 56 with a majority vote of 3-2. The support for Article 56 was due to its connection with Article 57, which the Board unanimously supported. As a full board he stated it could not support Article 56 if the entire district was zoned for residential use.

Conservation Commission Report: The commission was opposed to the original motion for zoning the entire site for residential use. With the proposed change, the Commission decided to take no position on Article 56.

Ralph Tyler of Deacon Lane Moved to amend Article 56 by replacing the "A" in "single residence, District "A" with "C" in both places where it appeared in the motion.

The motion received a second.

Mr. Tyler pointed out that in the past, when there had been discussions of converting the Research District into residential housing, "... there was one common message from everyone in Town, the Planning Board, the unanimous opinion of the Board of Selectmen which included Mr. Wallace at the time, and others, that if they were going to accept residential, which most of them did not want to do, 'single residence A' was far too dense." Mr. Tyler further noted, if Article 56 was approved, there would be nothing to guarantee any of the proposed plans would be put into effect. The owners would have the right to do any part of the proposed plans without any review or any control by the Town. He informed the hall the property owners had filed a subdivision plan which grandfathers them until the year 2001, the ability to proceed with a research project on eight acres. He reminded the hall the Board of Selectmen never supported residential zoning of this parcel. Mr. Tyler pointed out to the hall they were hearing all the advantages from the proponent of Article 56 and former Selectman who now has a financial interest in it, but who had a far different view of zoning when he was an official of the Town.

Richard Brooks of Russet Lane noted that the town when rezoning, whether it is for one big parcel such as in Article 56 or zoning in general, "we should be thinking about what's good in the Town or in the area of the Town, not thinking of a particular contractor or a particular developer. We should not...it used to be said in legal circles that zoning by contract was illegal...and I think that still is true in a technical sense. We should not be zoning to suit a particular developer to fit a particular number of houses or something like that." "...we should be thinking about what's good for the Town in terms of intensities or uses and not what's good for a particular client of a particular former Selectmen who's here tonight."

A motion was received to Move the question. It received a second, and the Moderator declared it received a clear 2/3rds vote, terminating debate.

The motion to amend the main motion under Article 56 was presented to the voters and failed with a hand vote.

On the main motion, Hugh Caspe, Board of Health member, pointed out there are problems with the site due to contamination. Therefore he had concerns about building private homes where children would be playing around, digging in the woods, etc...

L. Meixsell, Planning Board member, who was not in support of Article 56, pointed out when articles are brought to Town Meeting such as this one where there have been negotiations and discussions, it makes it difficult for Boards to prepare presentations. For this Article there were no evaluations from the Board of Health or the Water District, yet there are concerns about the water supply and contamination of well #5.

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Mr. Meixsell noted that approval of Article 56 would make a legal enforceable commitment which cannot be withdrawn once it is enacted. The property owner would receive an increase in property value without making any legal enforcing commitment to the Town in return, and the Town and its boards will have lost their negotiating positions. He pointed out that the present or future owner of this parcel could construct a mix of engineering, residential, business, manufacturing, nursing homes, and elderly care, as all of these uses would be allowed if Article 56 passed, and Sudbury would have little control over the financial, traffic, school and environmental impacts. It was Mr. Meixsell's view Sudbury should have a legally enforceable commitment from the property owner before rezoning. He recommended defeat of Article 56.

Russell Kirby of Boston Post Road, former member of the Planning Board, pointed out the proponents of Article 56 had stressed the fact they were addressing only 26 acres in the district, when the fact of the matter was the language in the zoning article would apply to the entire 125 plus or minus acres. He requested the proponents to precisely point out the contaminated area on the plan on the overhead, where it lies on the site relative to the planned construction. Mr. Kirby, understanding the development of residential property falls under the jurisdiction of the Planning Board and commercial property under the jurisdiction of the Board of Selectmen, inquired of Town Counsel who would have the jurisdiction of residential development within a commercial district?

Town Counsel, Paul Kenny, opined, "If a subdivision is to be used in either of those cases, it is under the jurisdiction of the Planning Board. If it is a use that is going to be made that does not require a subdivision, then the Building Inspector...it would be under his control or jurisdiction."

Upon hearing Town Counsel's opinion, Mr. Kirby noted that should Article 56 pass, then we really don't know who is going to have jurisdiction over how much of the property until such time as some development plans are filed. Town Counsel concurred with this statement.

Mr. Kirby noted should Article 56 pass, no one would know what they're going to get until someone decided what it is they want to do. Mr. Kirby suggested there are only two property owners involved here - the taxpayers of the Town of Sudbury who own by and large the major portion of land and should have more to say about what happens here than anyone else, and a land speculator, who has purchased the property knowing that it was burdened with contamination, and cannot sell it for research use, as the prior owners were unable to do. Mr. Kirby reminded the hall, Town Meeting made a mistake thirty-five years ago when it zoned the land as a Research District. The use put on the property was in direct violation of the language in the Town's bylaw that prohibited any use that would result in contamination of the groundwater. The Town failed to take appropriate action when this was first discovered and it has cost the Town \$2 million dollars so far.

Selectmen Blacker disputed Mr. Kirby's remarks and referred to his comment regarding the groundwater contamination as false while he spoke vigorously in support of Article 56 claiming it would be a "win for the town - 100% win. No loss." He then went on to say, "You know, again, you know, it's the old syllogism: if-then. So listen to what's being said and who's saying it, and then come to your own conclusions what the "if-then" should be."

At this time there was a motion to Move the question. It received a second. A clear 2/3rds was declared by the Moderator and debate was terminated.

Mr. Kirby called for a *Point of Order* addressing Mr. Blacker's statement as "completely false" wherein he disclaimed Mr. Kirby's statement regarding the contamination. However, the Moderator refused to provide him an opportunity to rebut the statement by saying, "That is too bad, Mr. Kirby. That is too bad."

The main motion under Article 56 was presented to the voters and was defeated by a hand vote.

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ARTICLE 57. AMEND ZONING BYLAW, ARTICLE IX.III.D - PERMITTED USES IN RESEARCH DISTRICT

To see if the Town will vote to amend Article IX, Section III.D (Permitted uses in Research Districts), by deleting the permitted use (a) and substituting the following:

"a. Research, development or engineering work on lots of 20 acres or more in size.";

and by adding the following new uses:

"h. nursing homes.

i. residential care facilities which provide assisted and/or independent living to persons 55 years or older in one or more buildings.

j. accessory uses to those permitted in the district, including but not limited to: centers providing services incidental to the primary use on a daily basis, outpatient medical services, day care centers and social service offices; provided that these accessory uses are limited to no more than 20% of the total floor area of the entire site and are directly related to the primary use on the site.

k. Notwithstanding any other provision of this Bylaw, the height limitation for uses permitted in sections h. and i. above shall be 45 feet without limitation as to the number of stories.";

or act on anything relative thereto.

Submitted by the Planning Board

J. Rhome Chairman of the Planning Board, Moved in the words of the article.

The motion received a second.

Planning Board Report: This article permits a broader range of uses in Research Districts, focusing mainly on elderly care facilities. There appears to be need and a desire for congregate care facilities in Town, and passage of this article will allow this and similar uses in the Research District. The article also limits mixed use development on large tracts in the Research District by placing a minimum lot size of 20 acres on parcels desiring to initiate research, development and engineering uses.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: They took no position on this article.

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Ralph Tyler of Deacon Lane, Moved to amend Article 57 as follows: delete the change to "a", revise "h" and "i" by combining them into a new "i" as follows: "On lots of 20 acres or more in size, nursing homes and/or residential care facilities which provide assisted and/or independent living to persons 55 years or older in one or more buildings, three, revise the number "j" to be "i" because we've eliminated the previous one and delete the proposed section "k".

The motion received a second.

The motion to amend was presented to the voters and failed by a hand vote.

Hugh Caspe, member of the Board of Health, Moved to amend by deleting section "k". The motion received a second.

Explanation for the motion to amend was the proponents had requested six months prior from the Board of Appeals a modification to the Town Bylaws to permit them to build structures over forty-five feet in height and over three stories, which is the present requirement. Rejected by the Board, they are now coming to Town Meeting and seeking the same changes, but have included them in an article, Article 56, which the Town supports. Mr. Caspe suggested section "k" be deleted allowing the nursing facilities or nursing homes be constructed but in conformance with the present Zoning Bylaw of the Town.

Mr. Brooks of the Planning Board explained the current bylaw permits within the Research District a forty-five foot limitation of height - three stories. The sole purpose of line item "k" is to remove the restriction of the number of stories. The reason for this was presented to the Planning Board and the Selectmen at a meeting of the Board of Appeals last spring - congregate care and nursing home facilities need to address the issue of how many stories they have. The focus therefore here was to solve that problem, not the height.

Given the explanation, Mr. Caspe withdrew his motion to amend with the consent of the Hall.

Further discussion took place then there was a motion to Move the question. This received a second and the Moderator declared there was a clear 2/3rds vote. Debate was terminated.

The main motion under Article 57 was presented to the voters and it was declared to be **UNANIMOUS** by a hand vote.

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ARTICLE 60. STABILIZATION FUND ADDITION

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be added to the Stabilization Fund established under Article 12 of the October 7, 1982 Special Town Meeting, pursuant to Massachusetts General Laws Chapter 40, Section 5B; or act on anything relative thereto.

Submitted by the Board of Selectmen

The motion under Article 60 was made by Selectman Cope to *Indefinitely Postpone*. The motion received a second.

Board of Selectmen Report: The Board took no position on Article 60.

Finance Committee Report: Recommended approval

The motion was placed before the voters and was **VOTED** by a hand vote.

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ARTICLE 61. CURTIS SCHOOL ROOF

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee, for the purpose of performing extraordinary repairs and maintenance, and/or replacing four (4) sections of roof at the Curtis Middle School, including engaging a qualified firm to investigate the condition of said roof with recommendations for its maintenance, repair and replacement, and including engineering and architectural services and preparation of plans, specifications and bidding documents and supervision of work, and to include all bond and note issue expense, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee

H. DeRusha, Superintendent of the Sudbury Public Schools *Moved to appropriate the sum of \$240,000 to be expended under the direction of the Permanent Building Committee (COMMITTEE) for remodeling, reconstructing and making extraordinary repairs to the Curtis Middle School roof, including the possible replacement of four sections of the roof, the hiring of a qualified firm to investigate the condition of the roof with recommendations for its maintenance repairs and replacement; obtaining other engineering and architectural services, preparation of plans, specifications and bidding documents and expenses for supervision of work and for bond and note issuance, and to authorize the COMMITTEE to execute a contract or contracts therefor, and to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$240,000 under General Laws Chapter 44, Section VII 3 (a), or Chapter 645 of the Acts of 1948 as amended, and to appropriate an additional sum of \$5,700 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing. Said sum of \$5,700 to be raised by taxation. All appropriations hereunder to be contingent upon approval of Proposition 2-1/2 debt exemption or capital exclusion in accordance with General Laws Chapter 59, Section XXI C.*

The motion received a second.

School Committee Report: In 1980, a planned maintenance program was developed by the Permanent Building Committee for the repair, or replacement, of the roofs on the school buildings. The first phases of the roof replacement program were completed at the Noyes School and on part of the Curtis Middle School in the early 1980s. Last year, the Haynes School roof project was completed. At this time, there are four sections at the Curtis School that must be completed. The Permanent Building Committee and the School Committee strongly urge the voters to approve this long overdue project. Renovation to this roof has been postponed for several years, while emergency repairs have been done by the Maintenance Department. It is no longer possible to function with patching.

Board of Selectmen Report: Unanimously supported Article 61

Finance Committee Report: Supported Article 61.

Ralph Tyler of Deacon Lane, *Moved to amend by revising in the beginning of the fifth line from the end after the word "borrowing" to read "said sum of \$5,700 to be raised by transfer from the Stabilization Fund" and thereby eliminate the debt exemption contingency.*

The motion received a second.

Explanation for the motion to amend was if the roof borrowing was tied to a debt exemption vote that should fail, there would be no authorization to go forward with the necessary repairs during the coming summer.

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Before the vote was taken, a voter inquired as to the difference between a "debt exemption" and a "debt exclusion" to which the Moderator asked. "What's that got to do with the motion to amend?" The voter stated it would tell the hall what it is they were voting on, as he believed the hall really didn't understand it.

Town Counsel, Paul Kenny, offered the following explanation: "The difference between the exclusion and the exemption is based upon the actual language of the statutes where there's a technical meaning. The statute talks about a debt exemption which goes over the years of the debt. It talks about a capital exclusion, and it's the only place that is used the word "exclusion, and that means that it happens within one year. So the difference is: an "exemption, according to our interpretation of the statute, goes over the entire length of the debt whereas an exclusion would have to be absorbed within one year, as a capital exclusion."

As there remained confusion as to whether the entire amount for the Curtis roof, \$240,000 plus \$5,700 would come from the Stabilization Fund, the Chairman of the Finance Committee offered the following explanation: "...if the result of passing the amendment would mean the Town approves the article tonight, with a two-thirds vote, \$5,700 would come out of the Stabilization Fund, it would not be an override budget, and the borrowing for the Curtis School roof, \$240,000, would not be subject to a ballot, town-wide ballot with a majority vote within forth-five days. The Selectmen would have the opportunity to decide whether or not to borrow the money, or not..."

Further clarifications followed between Mr. Tyler and Town Counsel.

A motion to Move the question was received. It received a second.

The Moderator declared there was a clear two-thirds and debate was terminated.

The motion to amend was placed before the voters and it was defeated by a hand vote.

The main motion under Article 61 was presented to the voters and it was **UNANIMOUSLY VOTED** by a hand vote.

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ARTICLE 62. NIXON SCHOOL ADDITION AND REPAIR

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee, for the purpose of construction of additional space at the Nixon School including remodeling, reconstruction and making extraordinary repairs and purchasing additional equipment and furnishings, and for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, and all expenses connected therewith including bond and note issue expense, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee

Ken Zito of the School Committee, *Moved* to appropriate the sum of \$5,211,000 to be expended under the direction of the Permanent Building Committee (COMMITTEE) for the construction of additional space at the Nixon School for remodeling, reconstructing, and making extraordinary repairs at such school, and for purchasing additional equipment and furnishings in connection therewith including obtaining engineering and architectural services, preparations of plans, specifications and bidding documents, and expenses of supervision of work, and for bond and note issuance, and to authorize the COMMITTEE to execute a contract or contracts therefor, and to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$5,211,000 under General Laws Chapter 44, Section VII 3 and 3 (a), or Chapter 645 of the Acts of 1948 as amended, and to appropriate an additional sum of \$123,761 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing of said sum of \$123,761 to be raised by taxation. All appropriations hereunder to be contingent upon approval of Proposition 2-1/2 debt exemption or capital exclusion in accordance with General Laws, Chapter 59, Section XXI (C).

The motion received a second.

School Committee Report: The Sudbury School Committee withdrew from consideration a request for construction funds at the 1989 Annual Town Meeting. Later at the Special Town Meeting in October 1989, an appropriation to renovate the Nixon and Noyes Schools was approved. This appropriation did not, however, have any effect on the increase of students moving into the Sudbury K-8 school system and the demand on space in the buildings. School space issues are now more critical than ever as we face a projected enrollment of 2,195 in the fall of 1994. This enrollment projection is 450 students higher than our enrollment was in 1989 and, except for adding a couple of portable classrooms this year, we have not added any classrooms. The School Committee has conducted comprehensive Town-wide space studies that include needs for classroom space, special subjects space, special needs space and administrative space. Boundary lines have been drafted for any number of possible school configurations, and the staff and faculty are prepared for the opening of Nixon this fall with temporary space, and for the fall of 1995 with permanent space. The School Committee will be demonstrating all the School Department needs at the Town Meeting. We urge you to approve the expenditure for funds for this addition to the Nixon School.

Board of Selectmen Report: The Board took no position on Article 62.

Finance Committee Report: Recommended approval.

The main motion under Article 62 was placed before the voters and was declared a **UNANIMOUS VOTE** by a hand vote.

A motion was made to adjourn to tomorrow night. It received a second. The Moderator declared the meeting was adjourned at 10:30 p.m.

Attendance: 486

ADJOURNED ANNUAL TOWN MEETING

APRIL 27, 1994

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1994, the inhabitants of the Town of Sudbury qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Wednesday, April 27th for the ninth session of the Annual Town Meeting. A quorum having been declared present at 7:35 p.m., the first order of business of the evening was consideration of Article 63.

ARTICLE 63. FLYNN BUILDING RENOVATION

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee for the purpose of reconstruction, remodeling, or making extraordinary repairs to the Flynn Building, including purchasing additional equipment and furnishings, and for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, and all expenses connected therewith including storage, moving, and bond and note issue expense, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition

The Chairman of the Board of Selectmen Moved to Indefinitely Postpone Article 63. The motion received a second.

Finance Committee Report: Recommended approval of motion to Indefinitely Postpone.

The motion under Article 63 was **VOTED** by a hand vote.

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ARTICLE 64. WALKWAYS: OLD LANCASTER ROAD, MOSSMAN ROAD, FAIRBANK ROAD

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$189,000, or any other sum, to be expended under the direction of the Highway Surveyor, for the construction of approximately 6,500 feet of walkways along the following roads:

1. Old Lancaster Road from Peakham Road to Hudson Road;
2. Mossman Road from Farm Lane to Marlboro Road; and
3. Fairbank Road from Phillips Road to Maynard Road;

and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Sudbury Planning Board

R. Brooks of the Planning Board *Moved* to appropriate the sum of \$189,000 to be expended under the direction of the Highway Surveyor, for the construction of approximately 6,500 feet of walkways including design cost and cost related to easement acquisition along the following roads: 1) Old Lancaster Rd., from Peakham Rd. to Hudson Rd; 2) Mossman Rd., from Farm Lane to Marlboro Road; 3) Fairbank Road from Phillips Road to Maynard Road; and to raise this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$189,000 under General Laws, Chapter 44, Section 7, and to appropriate an additional sum of \$4,489 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing; said sum of \$4,489 to be raised by taxation; all appropriations hereunder to be contingent upon approval of Proposition 2-1/2 Debt Exemption or Capital Exclusion in accordance with General Laws, Chapter 59, Section 29c.

The motion received a second.

Mr. Brooks explained the focus of the Walkway Subcommittee was to improve and promote safety as well as the quality of life. The walkways in Article 64 are the top three priorities on the list established by the Walkway Subcommittee. He noted that through an oversight a section of the Fairbank Walkway, approximately 200 yards from Butler Road to Phillips Road, had been left out, and Town Counsel had ruled it could not be considered at this time, as it was not within the four corners of the Article.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: The Committee recommended including Article 64 in the debt exemption, as it represented only \$4.17 a year approximately over a ten-year period.

Ralph Tyler of Deacon Lane *Moved* to postpone consideration of Article 64 and 65 until after Article 66, *Comprehensive Walkway Program*. The motion received a second.

It was Mr. Tyler's view that the voters would support a more expanded walkway program, therefore Article 66 should be considered first. Additionally, the oversight associated with Article 64, according to Town Counsel, could be included in Article 66. According to Mr. Tyler, Article 64 did not represent a sound comprehensive, long-term plan to address this major walkway issue, but rather it appeared more of a piecemeal approach, such as the Town has taken in the past.

The motion to postpone Article 64 was presented to the voters and failed by a hand vote.

The motion under Article 64 was **UNANIMOUSLY VOTED**.

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ARTICLE 65. OLD LANCASTER ROAD WALKWAYS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$64,300, or any other sum, to be expended under the direction of the Highway Surveyor, for construction of a walkway (approximately 3,000 feet) along Old Lancaster Road, from Peakham Road to Hudson Road; and to determine whether said sum shall be raised by borrowing or otherwise: or to act on anything relative thereto.

Submitted by Petition

D. Wilsack of Old Lancaster Road *Moved that Article 65 be Passed Over.*

Article 65 was **PASSED OVER.**

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ARTICLE 66. THE COMPREHENSIVE WALKWAY PROGRAM

To see if the Town will vote to authorize the design, easement acquisition and construction of walkways along major thoroughfares throughout Sudbury, authorize the expenditure of \$1,250,000, and authorize bonding of this expenditure over five (5) years with the debt service paid out of the annual budget beginning in FY 1996; this program to consist of approximately 15 miles of new walkways as shown on the attached map; or act on anything relative thereto.

Submitted by Petition

Ralph Tyler, the petitioner, Moved to appropriate the sum of \$526,000 to be expended under the direction of the Town Engineer for the design, easement acquisition and construction of walkways along major thoroughfares throughout Sudbury, consisting of approximately seven miles of new walkways, and to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$625,000 under General Laws, Chapter 44, Section VII.

The motion received a second.

Mr. Tyler explained when the Selectmen petitioned the Legislature, they did not seek a change from five to ten years in the bonding, therefore the Town is limited to five years. Should the voters approve Article 66, the cost for the walkways during the next five years would come directly from the Town's operating budget. The first year cost would be \$125,000 plus approximately \$31,000 in interest.

Board of Selectmen Report: Recommended disapproval.

Finance Committee Report: Recommended disapproval.

After considerable discussion, the Moderator accepted a motion to Move the question. It received a second. The Moderator declared it was a clear two-thirds.

The main motion under Article 66 was presented to the voters and declared defeated by a hand vote.

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ARTICLE 67. RENOVATE & OPEN LORING SCHOOL

To see if the Town will vote to raise and appropriate an investment of up to \$2,500,000 to design and renovate the Loring School and \$475,000 for furnishings, equipment and books, for use by the Sudbury School Committee to meet enrollment increases, such sum to be raised by borrowing and to include the design, construction, furnishing, equipment and debt issuance costs; with the cost of debt service to be paid out of the annual operating budget; or act on anything relative thereto.

Submitted by Petition

Ray Middleton of Woodside Road, the petitioner, *Moved for Indefinite Postponement of Article 67.* The motion received a second.

Mr. Middleton explained the purpose of Article 67 was to insure an open discussion of the Loring Property, as well as to insure the School Committee would have an option for expansion should the Nixon School run out of space. Due to extensive discussions and meetings, he pointed out, there now is wide recognition that Loring is a distinct municipal asset. The Town voted not to sell it, but to retain it for future potential public school use.

The motion to Indefinitely Postpone was placed before the voters and was **VOTED** by a hand vote.

ARTICLE 68. DEBT EXEMPTION FOR LORING SCHOOL RENOVATION

To see if the Town will vote to place before the voters at a Town election a debt exemption proposition to have the debt service for the renovation and furnishing of the Loring School exempt from the limitations of Proposition 2-1/2; or act on anything relative thereto.

Submitted by Petition

Article 68 was **PASSED OVER.**

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ARTICLE 69. AMENDBYLAWS, ARTICLE IV.A - ESTABLISH EDUCATION RESOURCE UTILIZATION COMMITTEE

To see if the Town will vote to amend the Sudbury Bylaws by adding a new Article IV.A. Education Resource Utilization Committee, as follows:

- "1. The Education Resource Utilization Committee shall consist of the Sudbury School Committee, the Sudbury residents on the LSRHS Committee and the Minuteman Tech Committee, the Finance Committee Liaison to each of these school committees, Sudbury's Executive Secretary or Town Manager. Non-resident members of the LSRHS Committee may be non-voting associate members of this committee.

2. The Committee shall be responsible for recommending to the Finance Committee and to Town Meeting, the allocation of school funding between the various systems to insure that Sudbury's limited resources are fairly and effectively allocated to the appropriate system. Such recommendation shall include a written recommendation included in the Annual Town Meeting Warrant. In addition, the committee shall encourage resource sharing between the various school systems, so as to reduce cost and improve utilization of school resources and shall conduct studies and make recommendations on issues such as consolidation of administrative functions, consolidation of maintenance and custodial management and staff, sharing of facilities, and coordination of collective bargaining strategies, etc.";

or act on anything relative thereto.

Submitted by Petition

Ralph Tyler of Deacon Lane, the Petitioner, *Moved in the words of the Article except replace paragraph number 1 with "The Education Resource Utilization Committee is hereby established and shall consist of those members of the Sudbury School Committee, the Lincoln-Sudbury Regional High School Committee and Sudbury residents on the Minuteman Technical School Committee, and the Finance Committee liaisons to each of these school committees who elect to participate and Sudbury's Executive Secretary or Town Manager."*

The motion received a second.

Petitioners Report: Sudbury needs to establish a mechanism where the separate school committees are required to meet and work towards improving the use of Sudbury's scarce educational resources.

Under Sudbury's present system, each system is run totally independently with virtually no interaction or sharing of resources. This has meant the establishment of duplicate administrative structures, a high school operating in a building which has fewer than half the number of students it can accommodate, leading to inefficient space utilization, as classrooms are used for student lounges and teacher offices, and other excess space rented for nominal rents to the Carroll School and a local preschool, while at the same time Sudbury's taxpayers are being asked to fund an expansion to ease overcrowding in the K-8 system.

Sudbury's present system means a resource allocation system which has chronically under-funded the K-8 system, resulting in large class sizes and declining MEAP test scores, while the high school budget has been able to accommodate reduced teaching loads recently negotiated into their teachers' contract. One measure of this funding disparity is that the K-8 system's per student comparable operating budget is only 51% of LSRHS, compared to 69% in Concord, where their K-8 School Committee also are members of the CCRHS Committee. Another example is in the recently established "Foundation (minimum) Budgets" of the recently enacted Massachusetts Education Reform Act, where minimum per pupil operating expenditures for K-5 are 93% and for grades 6-8 are 97% of those in grades 9-12 compared to Sudbury's allocation of only 51%. What this means is that Sudbury's K-8 system is operating at approximately the mandatory minimum level, whereas grades 9-12 are funded at nearly

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twice the rate of the minimum. In other words, Sudbury's system does not fairly or effectively allocate scarce education resources.

In past years, efforts were initiated to better integrate the K-8 and LSRHS systems and share resources, but these were vetoed by Lincoln voters. This measure is designed to accomplish similar goals and also be capable of being implemented totally by Sudbury's voters.

Board of Selectmen Report: Recommended defeat of the motion.

Finance Committee Report: Recommended defeat of the motion.

Lincoln-Sudbury Regional High School: Recommended defeat of the motion.

Sudbury Public School Committee: Recommended defeat of the motion.

The motion was placed before the voters and was defeated by a hand vote.

At this particular time, the Chairman of the Board of Selectmen, J. Cope, in appreciation for her years of service, was presented with a gavel, imprinted with the words, "Judith A. Cope, Board of Selectmen, Sudbury, Mass. 1988-1994", as she was ending her second term of office and moving away from the State of Massachusetts.

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ARTICLE 70. AMEND BYLAWS, ARTICLE XX.3.E- PROHIBITION AND REGULATION OF
OVERHEAD UTILITIES -WAIVER

To see if the Town will vote to amend Section 3.E of Article XX, Prohibition and Regulation of Overhead Utilities, of the Town of Sudbury Bylaws, by deleting therefrom the words, "for a period not to exceed 90 days"; or act on anything relative thereto.

Submitted by Petition

Robert Beckett of Goodman's Hill Road, *Moved in the words of the article.* The motion received a second.

Petitioner's Report: This article will allow the Selectmen to grant a waiver from this bylaw in cases of hardship and unusual circumstances. Incorporating the proposed amendment, Part E of Section 3 would then read: "The Board of Selectmen may grant special permission, in cases of emergency or unusual circumstances, to a Utility or person to erect, construct, install, maintain, use or operate, poles and overhead wires and associated structures, notwithstanding the provisions of this Bylaw."

Board of Selectmen's Report: Recommended approval.

Peter Anderson of Landham Road expressed concern Article 70 would remove the restriction the Town passed in 1990 to prohibit new overhead poles and structures along public ways. He explained Article 70 would remove the clause that says "for a period of ninety days" and would instead say that "with the Selectmen's approval" one could not only put something in as a temporary measure, but as a permanent measure. It was his fear this could "poke a hole in the dam that the Town Meeting put up" when it said "no more overhead utilities".

Hank Tober of Ames Road reminded the Hall the Selectmen, upon the passing of this bylaw, were to have written up Rules and Regulations, so some pressure could be put on the utilities to clean up what they've already done and improve the situation. He further reminded the voters, the Selectmen have not met that requirement which would indicate "their little regard or interest in the bylaw". He therefore suggested that since there has not been strong enforcing action, this article should be defeated.

Ralph Tyler of Deacon Lane noted the bylaw was intended to insure that in feeding new subdivisions in undeveloped parts of the Town, along existing ways, we didn't add any more poles and wires. The bylaw was designed to prevent the situation being addressed by this Article. To approve the motion under Article 70, according to Mr. Tyler, would be basically defeating the whole purpose of the bylaw.

Carmen Gentile of the Planning Board stated it was a poor idea to change a bylaw for one specific situation. He believed it would have been a much better idea for there to be a Warrant article specifically exempting Mr. Beckett's situation rather than change the bylaw. Once the window is open, the Selectmen are free at any and all time to waive the bylaw. He urged defeat of Article 70.

The motion was placed before the voters and the Moderator was not certain of the vote. He then took a standing vote and declared Article 70 had PASSED.

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There was a call for a counted vote.

The counted vote was as follows:

Total Number of Votes: 100

YES: 52 NO: 48 The motion was **PASSED**.

TOWN COUNSEL OPINIONS

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws:

Article 3	Amend Article XI	Personnel Classification and Salary Plan
Article 4	Amend Article XI.7(3)	Personnel Administration Plan-Vacation Policy
Article 5	Amend Article XI.7(2)	Personnel Administration Plan - Sick Leave Bank
Article 26	Amend Article XX	Prohibition and Regulation of Overhead Utilities- Rules and Regulations
Article 28	Amend Bylaws	Establish Wetlands Bylaw
Article 69	Amend Article IV.A	Education Resource Utilization Committee
Article 70	Amend Article XX.3.E	Prohibition and Regulation of Overhead Utilities - Waiver

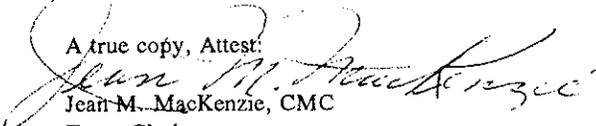
It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1994 Annual Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General:

Article 33	Amend Article IX	Create Village Business District
Article 45	Amend Article IX	Planning Board Associate for Special Permits
Article 46	Amend Article IX.I.C	Definitions
Article 47	Amend Article IX.III.B.2.b	Delete Drive-through Restaurants
Article 48	Amend Article IX.I.I	Revise Water Resource Protection Districts Map
Article 49	Amend Article IX.III.G	Water Resource Protection Districts
Article 53	Amend Article IX.III.A.1.b	Customary Home Occupation
Article 54	Amend Article IX.II.C	Delete Business District 10
Article 55	Amend Article IX.II.C	Delete Business District 9
Article 56	Amend Article IX.III.D	Add Residential Uses to Research District
Article 57	Amend Article IX.III.D	Permitted Uses in Research District
Article 58	Amend Article IX	Reservation of Lots
Article 59	Amend Article IX.IV.E	Incentive Development

There followed a motion to dissolve the Town Meeting. It was seconded and the Moderator declared the meeting was dissolved. The meeting was dissolved at 9:30 P.M.

Attendance: 140

A true copy, Attest:


Jean M. MacKenzie, CMC
Town Clerk

SPECIAL TOWN ELECTION

MAY 23, 1994

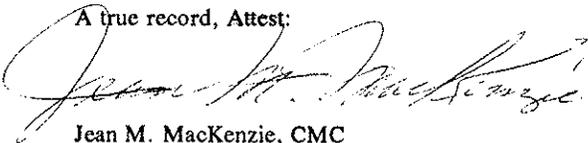
The Special Town Election was held at the General John Nixon School. The polls were open from 7 A.M. to 8 P.M. There were twenty-three voting machines used. The number of votes cast were 2,870 including 122 absentee ballots. The results were announced by the Town Clerk, Jean M. MacKenzie at 8:45 P.M. (29% of the Town's registered voters cast ballots.)

QUESTION 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond or bonds issued in order to 1) construct and reconstruct roadway drainage systems in Hudson Road, North Road and Union Avenue; 2) redesign and reconstruct the Fairbank Community Center Atkinson Pool parking area; 3) reconstruct Feeley Field tennis courts; 4) maintain, make extraordinary repairs to, and/or replace four sections of the Curtis Middle School roof; 5) construct additional space at the General John Nixon School including remodeling, reconstructing and making extraordinary repairs, purchasing additional equipment and furnishings, and engineering and architectural services; and 6) construct walkways along Old Lancaster Road from Peakham Road to Hudson Road; along Mossman Road from Farm Lane to Marlboro Road; and along Fairbank Road from Phillips Road to Maynard Road?

YES	1829
NO	<u>1041</u>
TOTAL	2870

A true record, Attest:



Jean M. MacKenzie, CMC
Town Clerk

STATE PRIMARY

SEPTEMBER 20, 1994

The State Primary was held at two locations. Precincts 1 & 2 voted at the Fairbank Facility on Fairbank Road and Precincts 3 & 4 voted at the Loring School on Woodside Road. The polls were open from 7 A.M. to 8 P.M. There were 1,688 votes cast representing 17% of the Town's 9,679 registered voters. There were 726 Democratic votes cast including 25 absentee ballots, and 962 Republican votes cast including 59 absentee ballots. Twenty-three voting machines were used. The Town Clerk, Jean M. MacKenzie, announced the results at the Town Hall at 10:45 P.M.

REPUBLICAN BALLOT

SENATOR IN CONGRESS

John R. Lakian	107
W. Mitt Romney	842
Scattering	-
Blanks	13

GOVERNOR

William F. Weld	872
Scattering	-
Blanks	90

LIEUTENANT GOVERNOR

Argeo Paul Cellucci	781
Scattering	-
Blanks	181

ATTORNEY GENERAL

Janis M. Berry	540
Guy A. Carbone	242
Scattering	-
Blanks	180

SECRETARY OF STATE

Arthur E. Chase	361
Peter V. Forman	325
Scattering	-
Blanks	276

TREASURER

Joseph Daniel Malone	797
Scattering	-
Blanks	165

AUDITOR

Forrester A. "Tim" Clark, Jr.	437
Earle B. Stroll	249
Scattering	-
Blanks	276

DEMOCRATIC BALLOT

SENATOR IN CONGRESS

Edward M. Kennedy	577
Scattering	-
Blanks	149

GOVERNOR

George A. Bachrach	239
Michael J. Barrett	116
Mark Roosevelt	303
Scattering	-
Blanks	68

LIEUTENANT GOVERNOR

Marc D. Draisen	212
Robert K. Massie	293
Scattering	1
Blanks	220

ATTORNEY GENERAL

L. Scott Harshbarger	600
Scattering	-
Blanks	126

SECRETARY OF STATE

William Francis Galvin	286
Augusto F. Grace	260
Scattering	-
Blanks	180

TREASURER

Shannon P. O'Brien	412
Scattering	-
Blanks	314

AUDITOR

A. Joseph DeNucci	445
Scattering	-
Blanks	281

STATE PRIMARY

SEPTEMBER 20, 1994

REPRESENTATIVE IN CONGRESS

David E. Coleman 658
 Scattering -
 Blanks 304

COUNCILLOR

William M. Monnie 646
 Scattering -
 Blanks 316

SENATOR IN GENERAL COURT

Lucile "Cile" P. Hicks 770
 Scattering -
 Blanks 192

REPRESENTATIVE IN GENERAL COURT

Nancy "Hasty" Evans 771
 Scattering -
 Blanks 191

DISTRICT ATTORNEY

Scattering -
 Blanks 962

CLERK OF COURTS

Scattering -
 Blanks 962

REGISTER OF DEEDS

Jane Sullivan Savery 566
 Scattering -
 Blanks 396

COUNTY COMMISSIONER

Scattering -
 Blanks 962

REPRESENTATIVE IN CONGRESS

Martin T. Meehan 547
 Thomas J. Quinn 86
 Scattering -
 Blanks 93

COUNCILLOR

Cynthia S. Creem 256
 Joseph M. Downes, Jr. 45
 Robert A. Kahn 61
 Jackie Morrissey 97
 Scattering 2
 Blanks 265

SENATOR IN GENERAL COURT

Scattering 1
 Blanks 725

REPRESENTATIVE IN GENERAL COURT

Scattering 1
 Blanks 725

DISTRICT ATTORNEY

Thomas F. Reilly 399
 Scattering 5
 Blanks 322

CLERK OF COURTS

Edward J. Sullivan 309
 James P. Kennedy 147
 Scattering -
 Blanks 270

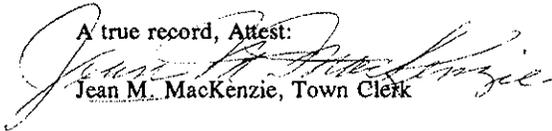
REGISTER OF DEEDS

Eugene C. Brune 204
 John S. Kennedy 90
 Douglas John Murray 127
 Scattering -
 Blanks 305

COUNTY COMMISSIONER

Francis X. Flaherty 190
 Gerald J. Flynn, Jr. 80
 Douglas E. MacDonald 39
 John M. MacGillivray 109
 Scattering -
 Blanks 308

A true record, Attest:


 Jean M. MacKenzie, Town Clerk

SPECIAL TOWN MEETING

OCTOBER 17, 1994

Pursuant to a Warrant issued by the Board of Selectmen, September 12, 1994, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Monday, October 17, 1994 for the first and only session of the Special Town Meeting---115 residents attended.

The meeting was called to order by the Moderator at 7:50 P.M. when a quorum was declared present. As no one had been asked to give an invocation, there was a moment of silent prayer followed by the Pledge of Allegiance, led by the Chairman of the Board of Selectmen.

Free Cash available for the Special Town Meeting was certified at \$489,849. The Call of the Meeting, the Officer's Return of Service and the Town Clerk's Return of Mail were found to be all in order.

A motion was received to Move to dispense with the reading of the Call of the Meeting and the Officer's Return of Service and to waive the reading of the separate articles of the Warrant. The motion received a second and was VOTED.

ARTICLE 1. FY95 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 13, FY95 Budget, of the 1994 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds; or act on anything relative thereto.

Submitted by the Board of Selectmen

The Chairman of the Board of Selectmen Moved to amend the vote taken under Article 13 of the April 1994 Annual Town Meeting, by adding to or deleting from the line items thereunder, by transfer between or among accounts, or by transfer from available funds as follows:

<u>TO</u>	<u>FROM</u>	<u>AMOUNT</u>
110 Sudbury Public Schools	Taxation	\$ 5,291
320 Police Pers. Serv.	Taxation	\$15,758
320 Police Expenses	Taxation	\$ 1,900
340 Building Pers. Serv.	Taxation	\$ 1,335
410 Highway Pers. Serv.	Cemetery Fund	\$ 7,555
410 Highway Expenses	Cemetery Fund	\$ 734
410 Highway Expenses	Taxation	\$ 166
410 Highway Snow and Ice	Taxation	\$ 605
460 Landfill Pers. Serv.	Taxation	\$ 1,581
502 Engineering Pers. Serv.	Taxation	\$ 3,601
502 Engineering Expenses	Taxation	\$ 150
512 Planning Pers. Serv.	Taxation	\$ 522
561 Accounting Pers. Serv.	Taxation	\$ 992
563 Treas/Collector Pers. Serv.	Taxation	\$ 721
564 Assessors Pers. Serv.	Taxation	\$ 784
600 Library Pers. Serv.	Taxation	\$ 780
700 Park & Rec. Pers. Serv.	Taxation	\$ 651
800 Board of Health	Taxation	\$ 798

OCTOBER 17, 1994

Board of Selectmen Report: This article has been submitted to provide funding for collective bargaining contracts for Fiscal Year 1995. You will recall that, at the time of the Annual Town Meeting, negotiations had not been completed and Town Meeting was advised the matter would be brought before a Special Town Meeting for appropriation purposes.

Final negotiations have not yet been completed with all of the Town and School employees at warrant press time. Therefore, a detailed report of appropriation needs must wait and be provided at the Special Town Meeting. A handout will be provided for your convenience.

The Finance Committee Chairman *Moved to amend the motion under Article 1 by deleting the appropriation for line item 110, Sudbury Public Schools, in the amount of \$5,291.* The motion received a second.

The motion to amend was presented to the voters and was **VOTED** by a hand vote.

The main motion, as amended, was presented to the voters and was **VOTED** by a hand vote.

OCTOBER 17, 1994

ARTICE 2. WALKWAY - FAIRBANK ROAD

To see if the Town will vote to amend the vote taken under Article 64 of the 1994 Annual Town Meeting, by adding to the purpose thereof the following: "for the construction of a walkway along Fairbank Road in the area between Phillips Road and Butler Road"; or act on anything relative thereto.

Submitted by the Planning Board

A motion was received to Move in the Words of Article 2. The motion received a second.

Planning Board Report: This article seeks to correct an error contained in Article 64 of the 1994 Annual Town Meeting. That article requested an appropriation of \$189,000 for the construction of three walkways in Sudbury. The article passed and is financed as part of the bond issued for 1994. One of the walkways, Fairbank Road, was incorrectly described as requiring construction from Phillips Road to Maynard Road, when in fact construction is necessary from Butler Road to Maynard Road. The calculated cost of the walkway remains the same - the original cost was calculated from Butler Road to Maynard Road. The error lies in the description of the distance. We urge your support of this article.

The motion was presented to the voters and it was **UNANIMOUSLY VOTED** by a hand vote.

OCTOBER 17, 1994

ARTICE 3. SPECIAL ACT: CONSERVATION VARIANCE, 460 CONCORD ROAD

To see if the Town will vote to petition the General Court to pass legislation enabling amendment of or variance from a Conservation Restriction and Order of Conditions to add approximately 500 square feet of footprint for porches pertaining to the construction of a single-family residence on the old Twin Ash Farm property at 460 Concord Road; or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of
petitioner Stephen J. Blanchette

The petitioner *Moved to Indefinitely Postpone Article 3.*

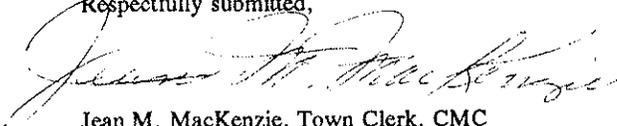
The motion received a second.

The motion to Indefinitely Postpone Article 3 was presented to the Voters and was **VOTED** by a hand vote.

There being no further business, a motion was received to dissolve the Special Town Meeting. The motion to dissolve was seconded. The motion was placed before the voters and was **VOTED**.

The meeting was dissolved at 8:25 P.M.

Respectfully submitted,



Jean M. MacKenzie, Town Clerk, CMC

STATE ELECTION

NOVEMBER 8, 1994

The State Election was held in two locations. Precincts 1 & 2 voted at the Fairbank Facility on Fairbank Road and Precincts 3 & 4 voted at the Loring School on Woodside Road. The polls were open from 7 A.M. to 8 P.M. and twenty-three voting machines were used. There were 7,507 votes cast including 519 absentee ballots. This represents 74% of the Town's 10,201 registered voters. (Precinct 1 - 1,864; Precinct 2 - 1,852; Precinct 3 - 1,842; Precinct 4 - 1,949) The precinct results were announced by the Town Clerk, Jean M. MacKenzie, at the Town Hall at 1:20 A.M.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
U.S. SENATOR					
Edward M. Kennedy	895	1033	916	1030	3874
W. Mitt Romney	938	791	907	879	3515
Lauraleigh Dozier	7	6	6	12	31
William A. Ferguson, Jr.	2	3	-	2	7
Scattering	1	-	-	-	1
Blanks	21	20	13	26	80
GOVERNOR/LIEUT. GOVERNOR					
Weld & Cellucci	1482	1421	1424	1477	5804
Roosevelt & Massie	340	380	383	417	1520
Cook & Crawford	11	12	6	13	42
Rebello & Giske	-	-	1	1	2
Scattering	-	-	-	-	-
Blanks	31	39	28	41	139
ATTORNEY GENERAL					
L. Scott Harshbarger	1169	1270	1208	1320	4967
Janis M. Berry	615	510	563	525	2213
Scattering	1	-	-	-	1
Blanks	79	72	71	104	326
SECRETARY OF STATE					
Arthur E. Chase	847	750	811	802	3210
William Francis Galvin	704	759	749	779	2991
Peter C. Everett	57	66	51	57	231
Scattering	-	-	-	24	24
Blanks	256	277	231	287	1051
TREASURER					
Joseph Daniel Malone	1348	1308	1311	1345	5312
Shannon P. O'Brien	354	355	377	414	1500
Susan Poulin	35	26	25	30	116
Thomas P. Tierney	23	37	45	34	139
Scattering	-	-	-	6	6
Blanks	104	126	84	120	434

STATE ELECTION (Continued)

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
AUDITOR					
A. Joseph DeNucci	998	1061	1078	1063	4200
Forrester A. "Tim" Clark, Jr.	617	510	526	564	2217
Geoff M. Weil	38	44	31	38	151
Scattering	-	-	-	-	-
Blanks	211	237	207	284	939
REPRESENTATIVE IN CONGRESS					
(Fifth District)					
Martin T. Meehan	1076	1144	1047	1120	4387
David E. Coleman	662	558	636	628	2484
Scattering	-	-	-	-	-
Blanks	126	151	159	201	637
COUNCILLOR					
(Third District)					
Cynthia S. Creem	637	699	670	696	2702
William M. Monnie	874	810	826	835	3345
Scattering	1	-	-	-	1
Blanks	352	343	346	418	1459
SENATOR IN GENERAL COURT					
(Fifth Middlesex District)					
Lucile "Cile" P. Hicks	1407	1370	1319	1405	5501
Scattering	2	1	-	-	3
Blanks	455	481	523	544	2003
REPRESENTATIVE IN GENERAL COURT					
(Thirteenth Middlesex District)					
Nancy "Hasty" Evans	1438	1401	1341	1439	5619
Scattering	2	2	1	-	5
Blanks	424	449	500	510	1883
DISTRICT ATTORNEY					
(Northern District)					
Thomas F. Reilly	1181	1196	1114	1163	4654
Scattering	1	-	-	-	1
Blanks	682	656	728	786	2852

STATE ELECTION (Continued)

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
CLERK OF COURTS					
(Middlesex County)					
Edward J. Sullivan	1123	1142	1063	1109	4437
Scattering	1	-	-	-	1
Blanks	740	710	779	840	3069
REGISTER OF DEEDS					
(Middlesex Southern District)					
Eugene C. Brune	647	702	638	679	2666
Jane Sullivan Savery	857	749	820	825	3251
Scattering	2	-	-	-	2
Blanks	358	401	384	445	1588
COUNTY COMMISSIONER					
(Middlesex County)					
Francis X. Flaherty	754	783	760	761	3058
Barbara J. Collins	644	596	643	661	2544
Scattering	-	-	-	-	-
Blanks	466	473	439	527	1905

QUESTION 1
LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 1994?

SUMMARY

This proposed law would limit the way in which business and certain nonprofit corporations could contribute to and spend money on campaigns involving an initiative, referendum or other question submitted to the voters at a state or local election. The proposed law would require ballot committees organized to support or oppose any question submitted to the voters to disclose promptly certain contributions made late in the campaign; would establish procedures that business and certain nonprofit corporations would have to follow in order to spend money on ballot question campaigns; and would establish voluntary spending limits for ballot committees.

The proposed law would require a ballot committee to report to the state Office of Campaign and Political Finance, within one business day of receipt, the name, address, occupation and employer of any person or organization making a contribution of \$1,000 or more, if the contribution was made before the date of the election but after the closing date of the last official campaign contribution report.

STATE ELECTION (Continued)

Under the proposed law, business and certain nonprofit corporations would be prohibited from making contributions or expenditures to support or oppose a ballot question, but would be permitted to create and solicit contributions to a separate fund to be used to support or oppose a ballot question. A separate fund would be required for each ballot question on which the corporation intended to solicit contributions. The corporation would be required to report all amounts spent to establish and administer the fund to the Office of Campaign and Political Finance, and to a city or town if the fund were established to influence the vote on a local ballot question.

Contributions to the separate fund could be solicited only from members or stockholders, officers and directors, and employees at a policymaking, managerial or professional level. Coercion, job discrimination and financial reprisals as methods of soliciting contributions would be prohibited. Nonprofit corporations that are formed for the purpose of promoting political ideas, do not engage in business activities, have no shareholders, and do not have business corporations as members or accept more than one percent of their revenues from such corporations would be exempt from these provisions. A business organization that violated these requirements could be fined up to \$50,000, and any director or agent of a business organization who violates or authorizes the violation of these requirements could be fined up to \$10,000 and/or imprisoned for up to one year.

The proposed law would establish voluntary spending limits for ballot committees at \$1,000,000 in the year of an election, and \$250,000 in the years immediately before and after an election. Ballot committees agreeing to observe these voluntary limits would be permitted to announce their compliance on advertisements and campaign materials. Ballot committees that agreed to observe the spending limits and later exceeded the limits could be fined up to \$10,000.

The proposed law states that if any of its provisions were declared invalid, the other provisions would remain in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	607	724	640	727	2698
NO	1183	1053	1124	1148	4508
BLANKS	74	75	78	74	301

STATE ELECTION (Continued)

QUESTION 2
REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives on January 4, 1994, by a vote of 105 to 49, and approved by the Senate on January 4, 1994, by a vote of 26 to 11?

SUMMARY

This law requires drivers and passengers in certain motor vehicles on public ways to wear properly adjusted and fastened safety belts. The law applies to persons driving or riding in private passenger motor vehicles or riding in vanpool vehicles or trucks under 18,000 pounds. It also applies to employees of cities, towns, counties, and districts. The law does not apply to: (1) children under twelve years old who are required by another state law to use safety belts or other child passenger restraints; (2) vehicles manufactured before July 1, 1966; (3) persons certified by a physician as physically unable to use safety belts; (4) U.S. Postal Service rural carriers while performing their duties; (5) persons involved in operating taxies, liveries, tractors, trucks of 18,000 pounds or more, buses; or (6) passengers in authorized emergency vehicles.

The law is enforced by law enforcement agencies only when a driver has been stopped for a motor vehicle violation or some other offense. A driver and each passenger 16 years old or older may be fined \$25 for not using a safety belt when required. A driver may also be fined \$25 for each passenger between 12 and 16 years old who is not using a safety belt when required. A person who receives a citation for violating the law may challenge it using the same procedure that applies to most other automobile law violations. A violation is not considered a moving violation for motor vehicle insurance surcharge purposes.

The law directs the state Registrar of Motor Vehicles to require police officers, when reporting automobile accidents, to record whether safety belts were used. The law directs the Governor's Highway Safety Bureau to (1) conduct a public information and education program on motor vehicle occupant protection; (2) evaluate and report to the Legislature, by June 1, 1995, on the effectiveness of and degree of compliance with the law; and (3) make annual surveys of safety belt use.

The law requires the state Commissioner of Insurance to evaluate, report, and make recommendations to the Legislature concerning the effectiveness of the law and the frequency of bodily injury claims during the law's first year of operation. The Commissioner must also require at least a 5% reduction in bodily injury insurance premiums if the observed safety belt use rate among all vehicle occupants is 50% or more after the law's first year of operation. The Commissioner is required to take into account the annual safety belt use survey results in future decisions setting bodily injury premiums, and the Commissioner must further reduce those premiums if the safety belt use rate in Massachusetts exceeds the national average.

The law provides that failure to wear a properly fastened safety belt may not be considered as contributory negligence or used as evidence in any civil lawsuit. It also states that no insurance company may either (1) deny coverage to a person who failed to wear a safety belt during an accident that led to bodily injury, or (2) refuse to issue a motor vehicle liability policy based on a violation of this law.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1336	1310	1246	1386	5278
NO	477	474	532	507	1990
BLANKS	51	68	64	56	239

STATE ELECTION (Continued)

QUESTION 3
REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives on May 28, 1993 by a vote of 112 to 39, and approved by the Senate on June 23, 1993 by a vote of 20 to 19?

SUMMARY

This law eliminates one of the two ways in which students may authorize fees to be assessed on tuition bills at state-operated colleges and universities to support nonpartisan student organizations that attempt to influence state legislation.

This law applies to community and state colleges and the University of Massachusetts. The law takes the place of previous law that allowed a student body, by a majority vote in an official student body referendum, to authorize a "waivable fee," or (at state colleges and the University) an optional fee," to be collected for such nonpartisan student organizations. Under this law, the boards of trustees at community and state colleges and the University are prohibited from collecting waivable fees and may only collect optional fees for such organizations.

A "waivable fee" is collected when authorized by a majority of those students voting in an official student body referendum. A waivable fee is an amount payable on a tuition bill, appearing as a separately assessed item and accompanied by a statement that the fee is not a charge required to be paid by the student but rather that the student may deduct the charge from the total amount due. The tuition bill also explains the nature of the fee and states that the fee appears on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees.

An "optional fee" is collected when authorized by a majority of those students voting in an official student body referendum. An optional fee is an amount payable on a tuition bill, appearing as a separately assessed item and accompanied by a statement that the fee is not a charge required to be paid by the student but rather that the student may add the charge to the total amount due. The tuition bill also explains the nature of the fee and states that the fee appears on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1023	919	965	985	3892
NO	700	789	745	811	3045
BLANKS	141	144	132	153	570

STATE ELECTION (Continued)

QUESTION 4
LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 1994?

SUMMARY

This proposed law would prevent the name of a person from being printed on a state primary or general election ballot as a candidate for one of a number of specified state and federal public offices, if the person had already served a certain number of consecutive terms in that office within a fixed period preceding the end of the then-current term of office. If such a person were still elected by write-in vote to one of the state offices (except the office of Governor), the person would serve without a salary, and in some of the state offices, without payment for certain expenses.

Under the proposed law, the name of a person could not be printed on a primary or general election ballot as a candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, or State Attorney General, if the person had served two consecutive terms (eight years) in that office in the eleven years prior to the end of the then-current term of office. The name of a person could not be printed on a primary or general election ballot as a candidate for the office of Governor's Councillor, State Representative, State Senator, or United States Representative from Massachusetts, if the person had served four consecutive terms (eight years) in that office in the nine years prior to the end of the then-current term of office. The name of a person could not be printed on a primary or general election ballot as a candidate for the office of United States Senator from Massachusetts, if the person had served two consecutive terms (twelve years) in that office in the seventeen years prior to the end of the then-current term of office. The proposed law would not prevent any voter from casting a write-in vote for any person as a candidate for any office.

If a person made ineligible by the proposed law to have his or her name printed on the ballot as a candidate for the office of Lieutenant governor, Secretary of State, State Treasurer, State Auditor, State Attorney General, Governor's Councillor, State Representative or State Senator were still elected to that office by write-in vote, the person would serve without a salary. If such a person were elected to the office of Lieutenant Governor, Governor's Councillor, State Representative or State Senator, the person would also serve without payment for certain expenses.

The current terms of the persons serving as Governor, Lieutenant Governor, Governor's Councillor, State Representative, State Senator, United States Representative from Massachusetts, and United States Senator from Massachusetts, would not be counted for purposes of the proposed law. The terms of the persons elected in 1990 to the office of Secretary of State, State Treasurer, State Auditor, or State Attorney General would be counted.

Any person who served more than half of a term in an office would be treated as having served a full term in that office. Any person who resigned from an office would be treated as having served a full term.

The proposed law states that if any of its provisions were found invalid, the other provisions would remain in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	868	828	913	899	3508
NO	912	934	840	960	3646
BLANKS	84	90	89	90	353

STATE ELECTION (Continued)

QUESTION 5
LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 1994?

SUMMARY

This proposed law would allow retail stores to open at any time on Sundays and on the legal holidays of Memorial Day, July Fourth, and Labor Day. It would not affect current restrictions on the sale of alcoholic beverages on Sundays and these holidays. Stores opening under the proposed law would be required to make Sunday and holiday work voluntary and would be required to pay most employees at least one and one-half times their regular rate.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1137	1068	1054	1085	4344
NO	675	715	728	800	2918
BLANKS	52	69	60	64	245

QUESTION 6
CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

Do you approve of the adoption of an amendment to the constitution, summarized below, which was approved by the General Court in joint sessions of the House of Representatives and the Senate on November 16, 1992, by a vote of 132 to 39, and on May 25, 1994, by a vote of 119 to 73?

SUMMARY

This proposed constitutional amendment would require Massachusetts income tax rates to be graduated, in order to distribute the burden of the tax fairly and equitably. The proposed amendment would require the rates for taxpayers in higher income brackets to be higher than the rates for taxpayers in lower income brackets. The proposed amendment would also allow the state Legislature to grant reasonable exemptions and abatements and establish the number and range of tax brackets. The proposed amendment would eliminate from the Massachusetts Constitution the present requirement that income taxes must be levied at a uniform rate throughout the state upon incomes derived from the same class of property.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	311	422	411	422	1566
NO	1504	1365	1367	1463	5699
BLANKS	49	65	64	64	242

STATE ELECTION (Continued)

QUESTION 7
LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 1994?

SUMMARY

This proposed law would change the state personal income tax laws if a proposed amendment to the Massachusetts Constitution requiring income tax rates to be graduated is approved at the 1994 state election. This proposed law would (1) set graduated income tax rates to replace the existing tax rate structure, (2) change exemptions and deductions relating to dependents, child care expenses, head of household status and personal exemptions, (3) establish a property tax and water rate credit of up to \$200 for taxpayers below certain income levels, (4) increase the maximum income levels for no-tax status and the limited income credit, (5) establish a "capital formation incentive" to replace the existing capital gains exclusion, and (6) provide that taxpayers will not pay more Massachusetts income tax for 1995 than they would have paid under 1992 law, if their 1995 adjusted gross income is below certain levels (for instance, \$60,000 for single filers and \$100,000 for married couples filing jointly)

(1) PROPOSED GRADUATED INCOME TAX RATES WOULD:

- Set the following state tax rates for all Massachusetts taxable income (after subtracting applicable deductions and exemptions):

Tax Rate	single	married filing jointly	married filing separately	head of household
5.5%	up to \$50,200	up to \$81,000	up to \$40,500	up to \$60,100
8.8%	over \$50,200	over \$81,000	over \$40,500	over \$60,100
	up to \$90,000	up to \$150,000	up to \$75,000	up to \$120,000
9.8%	over \$90,000	over \$150,000	over \$75,000	over \$120,000

A taxpayer whose total taxable income exceeded the upper limit for the 5.5% or 8.8% income bracket would still be taxed at the lower rate for income within that bracket. For example, a single person with \$100,000 in taxable income would be taxed at 5.5% on \$50,200 of that income, at 8.8% on the next \$39,800, and at 9.8% on the remaining \$10,000 of that income. The income brackets would be increased annually, starting in 1996, to account for changes in the cost of living.

- Eliminate the existing division of Massachusetts income into Part A income (generally, dividends, capital gains, and certain interest) currently taxed at 12 percent, and Part B income (all other income), currently taxed at 5.95 percent.

STATE ELECTION (Continued)

- Create a "head of household" filing status for single persons who have dependents and who file federal returns as heads of households.
- Prevent any gain from the sale of a taxpayer's principal residence from being taxed by the state at a rate higher than 6%.
- Provide that non-residents would pay tax on their Massachusetts income based on the income rate brackets applicable to their total income (including Massachusetts and other income).

(2) PROPOSED CHANGES IN EXEMPTIONS, DEDUCTIONS AND CREDITS WOULD:

- Replace the child and dependent care expense deduction with a child and dependent care tax credit equal to 60% of the federal child and dependent care tax credit.
- Increase the existing exemption for each claimed dependent from \$1,000 to \$2,000.
- Allow heads of households a personal exemption of \$3,400, plus \$2,200 if blind and \$700 if \$65 years of age or over.
- Reduce personal exemptions gradually for taxpayers whose adjusted gross income exceeded \$60,000 for single filers, \$100,000 for married persons filing jointly, \$50,000 for married persons filing separately and \$80,000 for heads of households. The personal exemption would be eliminated entirely for filers whose adjusted gross incomes exceeded these amounts by more than \$50,000 (\$25,000 for married persons filing separately). These amounts would be increased annually, starting in 1996, to account for changes in the cost of living.
- Allow interest and dividends from deposits in all banks and institutions to qualify for the \$100 deduction (\$200 for married couples) currently applicable only to Massachusetts bank interest and dividends.
- Allow the \$1,000 net capital loss deduction to be taken against all income, not just against Part A income as current law provides.

(3) PROPOSED PROPERTY TAX AND WATER RATE CREDIT WOULD:

- Create a property tax and water rate credit of up to \$200 for eligible homeowners and renters who have total incomes less than: \$30,000 for married couples, \$25,000 for head of household filers and \$20,000 for single filers. The amount of the credit would depend on the amount by which the taxpayers' real estate property tax and water charges exceeded 10% of their income. 20% of tenants' rent would be treated as a property tax payment for these purposes. If the taxpayer had no income tax due, the amount of any credit due would be paid to the taxpayer, as long as the state Legislature made any appropriation necessary to pay such refunds.

(4) PROPOSED \$2000 INCREASE IN THE EXISTING INCOME THRESHOLDS FOR NO-TAX STATUS WOULD:

- Exempt taxpayers at or below the following levels of adjusted gross income from paying income tax: \$14,000 for married couples filing jointly, \$12,000 for head of household filers, and \$10,000 for single filers. These levels would be adjusted annually, starting in 1996, to account for changes in the cost of living. The new levels also would apply to the limited income credit which is available to taxpayers with adjusted gross income up to 175 percent of these levels.

STATE ELECTION (Continued)

(5) PROPOSED CAPITAL FORMATION INCENTIVE WOULD:

- Replace the current 50% capital gains deduction with a "capital formation incentive" deduction, which would allow partial deductions for gains from the sale or exchange of qualified stock issued by certain corporations that employ 50% or more of their employees in Massachusetts.
- Only gains on original stock purchased on or after January 1, 1995, from certain corporations engaged in active business, and held for required periods of time, would qualify for the deduction. The amount of the deduction would be 30% of the gain on stock held at least 3 years; 50% for stock held at least five years; and 70% if stock held at least seven years. Detailed provisions would restrict the benefit of this deduction to stock issuances which reflect new investments in businesses, and would disqualify stock in certain types of corporations that receive special tax treatment under existing law.

(6) PROPOSED CAP ON TAX LIABILITY FOR CERTAIN TAXPAYERS IN 1995 WOULD:

- Excuse taxpayers at or below the following levels of adjusted gross income, as determined under the proposed law, from owing more Massachusetts income tax in 1995 than they would have owed under 1992 law; \$100,000 for married couples filing jointly, \$80,000 for heads of household, \$60,000 for single filers, and \$50,000 for married persons filing separately.

(7) EFFECTIVE DATE:

- If the State Constitution is amended at the 1994 election to require graduated income tax rates, the proposed law would be effective beginning in tax year 1995. The proposed law states that if any of its provisions were found invalid, the other provisions would remain in effect.

Note: Wherever this summary refers to current or existing law, the reference is to the law in effect in August 1993, when this summary was prepared.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	283	417	373	408	1481
NO	1516	1366	1397	1471	5750
BLANKS	65	69	72	70	276

STATE ELECTION (Continued)

QUESTION 8
LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 1994?

SUMMARY

This proposed law would increase the portion of gasoline tax revenue that would be credited to the state Highway Fund; prohibit the transfer of money from the Highway Fund to other state funds for other purposes; declare that citizens have a right to a safe and efficient public highway, road and bridge system and require the state to develop a comprehensive seven-year state transportation plan; and make certain other changes in state finance laws relating to the Highway Fund.

The proposed law would require that the small portion of state gasoline tax revenues that is deposited in funds relating to the use of watercraft be deposited instead in the Highway Fund. No revenue deposited in the Highway Fund could be transferred to any other state fund for any purpose other than one for which the Highway Fund may be used.

The proposed law would declare that the citizens of Massachusetts have a right to a safe and efficient public highway, road and bridge system, constructed and maintained by the state and its counties, cities and towns. The state Secretary of Transportation and Construction would be required to prepare a comprehensive state transportation plan for the period July 1, 1995 through June 30, 2002, to be updated every three years. The plan would provide for the repair or reconstruction of at least five percent of public highways and bridges every year, and it would establish priorities for highway, road and bridge projects based on condition and safety factors. The plan would be designed to promote economic development and employment by meeting the various transportation needs of residents throughout the state. The plan would be prepared after a public hearing and after consultation with the State Secretaries of Environmental Affairs and Economic Affairs.

Under this proposed law, money in the Highway Fund would no longer be considered in determining whether the state government has sufficient money on hand to set some aside for use in future fiscal years or to deposit some in the state tax reduction fund. The proposed law would declare that no more than 15% of gasoline tax revenues could be used for Mass Transportation purposes, but it would not prevent the State Legislature from appropriating additional gasoline tax revenues for such purposes.

The proposed law states that if any of its provisions were declared invalid, the other provisions would remain in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1323	1355	1361	1396	5435
NO	429	391	372	439	1631
BLANKS	112	106	109	114	441

STATE ELECTION (Continued)

QUESTION 9
LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 1994?

SUMMARY

This proposed law would prohibit rent control for most privately owned housing units in Massachusetts, and would nullify certain existing rent control laws, except that cities and towns would be authorized to adopt a restricted form of rent control for a six month period, after which compliance by property owners would be voluntary.

The proposed law would prohibit any city or town from enacting, maintaining or enforcing any law that required below-market rents for residential properties. It would also prohibit the regulation of occupancy, services, evictions, condominium conversion, or the removal of the unit from rent control, if such regulation was part of a system requiring below-market rents. Existing state and local rent control laws would be nullified. The proposed law would not affect publicly owned or subsidized housing, federally assisted housing, or mobile homes.

Cities and towns would be authorized to adopt rent control for a six-month period on housing units that have a fair market rent of \$400 or less and that are owned by a person or entity owning ten or more rental units. Such rent control could not include the regulation of occupancy, services, evictions, condominium conversion, or the removal of the unit from rent control. The city or town would have to pay the owners of rent-controlled units the difference between the controlled rent and the fair market rent. After six months, owners of rent-controlled units would not be required to comply with the rent control regulation or with any other such regulation that the city or town might adopt in the future.

The proposed law would take effect on January 1, 1995. The proposed law states that if any of its provisions were declared invalid, the other provisions would remain in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1024	972	1035	985	4016
NO	719	752	676	809	2956
BLANKS	121	128	131	155	535

STATE ELECTION (Continued)

QUESTION 10

Shall an act passed by the general court in the year nineteen hundred and ninety-four, entitled "An act establishing a board of selectmen-town manager form of administration in the town of Sudbury", be accepted?

SUMMARY

The proposed law is a special act of the legislature applicable to the Town of Sudbury, which would change the form of town administration to a Selectmen-Town Manager form of government. The act transfers a portion of the authority of the Selectmen and other elected officials to the Town Manager, and would change the status of certain elected officials to positions appointed by the Town Manager under the policy direction of the Selectmen.

The Board of Selectmen will be the chief executive officers of the Town, and shall be the chief policy making board of the Town for all subordinate boards and officials. The Selectmen shall appoint a Town Manager, Town Counsel, Town Accountant, and all boards and committees not otherwise provided by law.

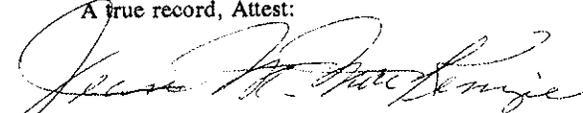
The act provides for the appointment of the Town Clerk and Highway Surveyor by the Town Manager and the appointment of Constables by the Board of Selectmen. The administrative functions of the Board of Assessors, including the appointment of a Director of Assessing, and the administration of the departments under elected boards other than Health and School would be placed under the Town Manager.

The financial, personnel and administrative functions of the Town will be vested in the Town Manager as the Chief Administrative Officer of the Town. The Town Manager, appointed at the pleasure of the Board of Selectmen, will appoint all officials and employees of the Town and shall award all contracts for the Town except those of the School or Health Departments.

The legislative powers of the Town shall continue to be exercised by a Town Meeting open to all voters of the Town.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	964	846	851	935	3596
NO	753	866	821	859	3299
BLANKS	147	140	170	155	612

A true record, Attest:



Jean M. MacKenzie, CMC
Town Clerk

